

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 23rd August, 2006**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

*Ben Baugh, Members' Services,
Tel: 01432 261882*

e-mail: bbaugh@herefordshire.gov.uk

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, Mrs E.A. Taylor, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson

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Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 26th July, 2006 at 2.00 p.m.

Present: Councillor D.J. Fleet (Chairman)
Councillor R. Preece (Vice-Chairman)

Councillors: Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling and R.M. Wilson

In attendance: Councillors T.W. Hunt (ex-officio)

39. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. E.A. Taylor, D.B. Wilcox and A.L. Williams.

40. DECLARATIONS OF INTEREST

No declarations of interest were made.

41. MINUTES

RESOLVED: That the Minutes of the meeting held on 28th June, 2006 be approved as a correct record and signed by the Chairman.

42. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the central area.

43. DCCW2006/1438/F - PLOT ADJACENT BROOKLANDS, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8DQ [AGENDA ITEM 5]

Proposed detached new house with incorporated double garage.

The Senior Planning Officer reported the receipt of amended plans.

In accordance with the criteria for public speaking, Mrs. Parker spoke on behalf of Moreton-on-Lugg Parish Council and Mr. Matthews spoke in support of the application.

Councillor J.G.S. Guthrie, the Local Ward Member, noted that the site had outline planning permission for a bungalow but felt that the scale of development proposed in this application would be out of character with the locality. He supported the comment of Moreton-on-Lugg Parish Council that highway safety would be compromised by the intensified use of the access. He commented that a reduction in slab level might mitigate some of the impact of the development but noted that a

covenant could prevent this from being achieved. He proposed that the application be refused on the grounds of over-intensive development and loss of residential amenity.

Some Members concurred with the Local Ward Member about the potential harmful effect on residential amenity and expressed concerns about access, slab levels, landscaping and impact on a nearby bridleway.

Other Members supported the application and felt that the site was large enough to accommodate the proposed development subject to the conditions recommended by Officers.

In response to questions, the Senior Planning Officer advised that: the Traffic Manager had no objection to the access and parking arrangements subject to conditions; it was understood that a covenant restricted the ability to alter or adjust the ground level but this was not a planning consideration and a condition had been added in respect of slab levels and landscaping; this proposal should not have a direct impact on the bridleway.

A motion to refuse the application failed and the application was then approved subject to conditions.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. A09 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans.

2. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3. E18 (No new windows in specified elevation).

Reason: In order to protect the residential amenity of adjacent properties.

4. E19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.

5. F10 (Restriction on hours of operation of machinery/equipment).

Reason: To safeguard the amenity of the area.

6. F40 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution.

7. F48 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

9. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

10. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

1. **N01 - Access for all.**

2. **N03 - Adjoining property rights.**

3. **N15 - Reason(s) for the Grant of Planning Permission.**

44. DCCW2006/1148/F - FORMER FROMINGTON NURSERY, BURMARSH, HEREFORDSHIRE [AGENDA ITEM 6]

Construction of hostel to accommodate up to 56 seasonal workers employed by the Tillington Fruit Farms.

The Principal Planning Officer advised Members that the applicant had sought amendments to conditions 16 and 17. Revised wording was now recommended which retained the control that was sought by Officers but also satisfied the applicant's concerns. An additional condition was also recommended to require the construction of a footpath along the visibility splay at the entrance to the site.

In accordance with the criteria for public speaking, Mr. Ternouth spoke on behalf of Marden Parish Council and Mr. Brown spoke in support of the application.

Councillor J.G.S. Guthrie, the Local Ward Member, commented on the substantial numbers of seasonal workers in the locality and noted that local residents would prefer to see properly planned development rather than the use of basic caravan accommodation. He felt it essential that workers should not be allowed to bring their vehicles onto the site. The constraints of the local road network were explained and Councillor Guthrie commented on the need for engineering works to improve highway and pedestrian safety. He acknowledged that local residents were concerned about drainage provision but noted that recommended condition 6 would ensure that a viable solution was implemented.

The Principal Planning Officer explained that the improvements to the site entrance, with the introduction of a visibility splay and a footpath, would improve safety on the adjoining road. It was agreed that the Local Ward Member would be consulted about these works.

A number of Members commented on the need for appropriate accommodation for seasonal workers and welcomed the proposals. To mitigate the impact of the development, it was suggested that particular weight be given to the conditions relating to landscaping. It was also suggested that the applicant be required to maintain existing and proposed footpaths in the interests of highway safety.

The Principal Planning Officer advised that comments about the need for additional signage along the road would be reported to the Traffic Manager.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **The occupation of the hostel shall be limited to a person solely or mainly working in the locality in agriculture.**

Reason: It would be contrary to Development Plan policies to grant planning permission for hostel accommodation in this location except to meet the expressed case of agricultural need.

5. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

6. **F18 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

7. **F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities.

8. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

9. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

10. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

11. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

13. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

14. Prior to the commencement of the development a Travel Plan that contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

15. G39 (Nature Conservation – site protection).

Reason: To ensure that the nature conservation interest of the site is protected.

16. Prior to the first occupation of the hostel subject of this permission all agricultural workers caravans sited on land in the control or ownership of the applicant with the exception of Hill Top Farm, Ledbury shall be removed permanently from the land and no caravans shall be placed on the said land without the consent of the local planning authority.

Reason: The permanent hostel accommodation replaces the need for agricultural workers caravans and the removal of such temporary structures is regarded as an important justification for the hostel, which will bring about an enhancement of the wider landscape.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, no agricultural workers caravans, as defined within Part 5, Schedule 2 of the Order, shall be sited on any agricultural land within the control or ownership of the applicant, without the prior written consent of the local planning authority with the exception of Hill Top Farm, Ledbury.

Reason: The permanent hostel accommodation replaces the need for agricultural workers caravans and the removal of such temporary structures is regarded as an important justification for the hostel, which

will bring about an enhancement of the wider landscape.

18. Prior to the occupation of the hostel a footpath shall be formed in conjunction with the required visibility splays in both directions, the details of which shall be submitted to and approved in writing prior to the commencement of the development. The footpath shall thereafter be maintained to enable the free flow of pedestrian traffic.

Reason: In the interests of highway and pedestrian safety.

Informatives:

1. In connection with condition 14, the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.
 2. N15 - Reason(s) for the Grant of Planning Permission.
45. **DCCE2006/1374/O - 22 FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY [AGENDA ITEM 7]**

Proposed dwelling in garden.

The Senior Planning Officer reported the receipt of further correspondence from the applicant's agent and summarised the contents. He also reported that Councillor Wilcox had expressed concerns about potential overdevelopment and access arrangements.

Councillor W.J. Walling, a Local Ward Member, felt that the site could accommodate a dwelling and made comparisons with other buildings in the locality. Therefore, he endorsed the application and proposed that planning permission be granted subject to appropriate conditions.

Councillor Mrs. M.D. Lloyd-Hayes, also a Local Ward Member, felt that the proposal was acceptable and would result in access improvements to Folly Drive. The Senior Planning Officer advised that access was a reserved matter.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to approve the application subject to conditions felt to be necessary by the Head of Planning Services, in consultation with the Local Ward Members and the Chairman, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

46. **DCCE2006/1277/F - 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS [AGENDA ITEM 8]**

Conversion of 4 flats to 3 no. 2-storey mews houses and 1 first floor flat; demolition of outbuildings and development of 2 no. cottages; and extension to existing take away.

The Principal Planning Officer reported that a Flood Risk Assessment had been provided but had not been assessed by the Environment Agency; therefore, the recommendation remained the same as printed in the report.

In accordance with the criteria for public speaking, Mr. Mitchell spoke against the application.

Councillor Mrs. W.U. Attfield, a Local Ward Member, commented on difficulties with traffic movements in the vicinity of the site and felt that the proposal would have detrimental impact on the character of this part of Hereford. Councillor Attfield noted that the building was quite large already and felt that the additions would make it far too dominant.

Councillor A.C.R. Chappell, also a Local Ward Member, said that traffic movements already posed significant dangers and would be exacerbated by this proposal; particularly given the amount of traffic on Hinton Road, the amount of pedestrian footfall and cycle use in the area, and the positions of the shops and nearby bus stop. He felt that the proposal was over intensive and planning permission should be refused.

Councillor R. Preece, the other Local Ward Member, drew attention to the Traffic Manager's concerns and commented on the constraints of the site.

The Development Control Manager advised the Sub-Committee that the Area Engineer felt unable to support refusal on highways and traffic grounds given that the proposal would introduce an element of off street parking. It was noted, however, that the intensity of the development and the impact on the character and appearance of the area were material planning considerations.

In response to a question, the Principal Planning Officer advised that the Conservation Manager had been consulted about the impact on the setting of the adjacent listed buildings but had also expressed a view that the proposal should not be overly detrimental to the character of the complex. The Principal Planning Officer also clarified the scale of the proposed development.

A number of Members supported the views of the Local Ward Members. Comments were made about the Traffic Manager's views and it was felt that traffic congestion had been underestimated, particularly at peak times.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
- 1. The proposal due to its cumulative scale and the intensification of development will have a harmful impact on the character and amenity of the area. As such the development is contrary to Policies ENV14, H3, H12, H14, H21 of the Hereford Local Plan and Policies S1,**

S2, DR1, DR2, H13, H14 and H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

47. DCCE2006/1654/F - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF [AGENDA ITEM 9]

Cider house/store/packing shed.

The Principal Planning Officer reported the receipt of further correspondence from the applicant.

Councillor R.M. Wilson, the Local Ward Member, supported the application but sought clarification about matters detailed in paragraphs 5.2 and 5.3 of the report. In response, the Principal Planning Officer confirmed that the building would be used for traditional cider making and as a tourist attraction for approximately two weeks a year and advised that an existing static caravan was presently sited there lawfully under the Caravans and Control of Development Act 1960.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. A08 (Development in accordance with approved plans and materials).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

- 3. G12 (Planting of hedgerows).**

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

- 4. H03 (Visibility splays).**

Reason: In the interests of highway safety.

Informative:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

48. DCCE2006/1619/F - LAND ADJACENT TO 72 BULMERS AVENUE, HEREFORD, HEREFORDSHIRE, HR1 1EJ [AGENDA ITEM 10]

Residential development comprising 2 no. 2 bedroom flats.

The Senior Planning Officer reported that Councillor D.B. Wilcox, a Local Ward Member, had expressed concerns about parking provision and suggested that there should be two spaces per unit.

In accordance with the criteria for public speaking, Mr. Sangster spoke in support of the application.

In response to comments made by the speaker, the Senior Planning Officer advised the Sub-Committee that: recommended condition 13 would require precise details of the trees on site for the purpose of protecting trees in the Conservation Area; a condition could be added to require details of boundary treatments; the closest point between the proposal and Frank Owen Court was approximately 15 metres and inter-visibility was mitigated by the difference in slab levels; and the development would not reduce the on-street parking lay-by arrangement.

Councillor W.J.S. Thomas commented on the need for the conditions to be adhered to in order to preserve residential amenity.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **The fenestration of the development hereby approved shall be of timber construction with finishes to be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details and maintained thereafter unless otherwise approved in writing by the local planning authority.**

Reason: To ensure the satisfactory appearance of the development.

5. **C04 (Details of window sections, eaves, verges and barge boards).**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6. **F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

7. F48 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

9. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

10. G04 (Landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

11. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

12. G06 (Scope of landscaping scheme).

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

13. G17 (Protection of trees in a Conservation Area).

Reason: To ensure the proper care and maintenance of the trees.

14. G01 (Details of boundary treatments)

Informatives:

1. N01 - Access for all.

2. N03 - Adjoining property rights.

3. HN05 - Works within the highway.

4. HN10 - No drainage to discharge to highway.

5. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds.

6. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats.

7. N15 - Reason(s) for the Grant of PP/LBC/CAC.

49. DCCE2006/1624/F - PLOT IN GARDEN OF LAVENDA, COURT GARDENS, FOWNHOPE, HEREFORDSHIRE, HR1 4PB [AGENDA ITEM 11]

Siting of temporary caravan for use during construction period of new dwelling.

The Senior Planning Officer reported the receipt of the comments of Fownhope

Parish Council (who were in general agreement but suggested that the permission be for no more than two years). Three additional conditions were recommended in line with the comments of the Water Authority. The Senior Planning Officer advised that the limit for the temporary permission would be twelve months.

Councillor Mrs. J.E. Pemberton, the Local Ward Member, noted that this application concerned the siting of a temporary caravan only. She advised the Sub-Committee that temporary permission would be acceptable to local residents subject to the re-orientation of the caravan to mitigate the perception of overlooking and loss of privacy. In response, the Senior Planning Officer suggested a condition that would require the erection of a boundary screen to address this issue.

RESOLVED:

That planning permission be granted subject to the following condition:

1. **E23 (Temporary permission and reinstatement of land (mobile home/caravan)).**

Reason: The local planning authority is not prepared to permit a residential caravan in this location other than on a temporary basis having regard to the special circumstances of the case.

2. **There shall be no, direct or indirect, discharge of surface water to the public foul sewer.**

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

3. **Within 1 month of the date of this permission a privacy screen shall be introduced to the south east of the mobile caravan hereby authorised and retained until the use of the site for the siting of a caravan ceases. The siting, design, height, length and materials of the privacy screen shall be submitted to and agreed in writing by the local planning authority. The screen shall then be introduced in accordance with the agreed details.**

Reason: In the interests of the residential amenities of the locality.

Informatives:

1. **N03 - Adjoining property rights.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

50. DCCE2006/1772/F - LAND AT WHITETHORN FARM, CAREY, HEREFORD, HR2 6NG [AGENDA ITEM 12]

Siting of temporary living accommodation for agricultural workers.

The Principal Planning Officer advised that a page was missing from the Planning Statement appended to the report and this was circulated to Members at the meeting. It was reported that four further letters of support had been received. The Principal Planning Officer also reported that further correspondence had been received from the applicant's agent and summarised the contents. Officers maintained their recommendation of refusal but, given the information supplied by the applicant's agent regarding the available property situation in the locality, an

amendment to the recommendation was suggested.

In accordance with the criteria for public speaking, Mr. Hodgeson spoke on behalf of a number of local residents in objection to the application and Mr. Soble spoke in support of the application.

Councillor W.J.S. Thomas, the Local Ward Member, commented on value of the arguments put forward by both speakers and the amount of work that had been undertaken. To ensure that the Sub-Committee could reach a well-informed and assessed decision, Councillor Thomas proposed that a site inspection be held.

RESOLVED:

That consideration of planning application DCCE2006/1772/F be deferred for a site inspection for the following reason:

- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

51. DCCW2006/1856/F - MIZPAH, THE ROW, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AP [AGENDA ITEM 13]

Erect single dwelling.

The Senior Planning Officer reported the receipt of four further letters of objection from the occupiers of Mizpah, Montrose, Munns Cottage and The Vinery and summarised the contents.

In accordance with the criteria for public speaking, Mr. Holt spoke against the application.

Councillor J.C. Mayson, the Local Ward Member, felt unable to support the proposal given the material objections of Wellington Parish Council and local residents. He commented that the development would be over intensive for the site and would result in a loss of residential amenity. He also commented that access and parking problems could arise.

Other Members concurred with the Local Ward Member that the proposal would result in a feeling of overcrowding which would be detrimental to the character and appearance of the area.

RESOLVED: That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. The proposed dwelling by reason of its scale and design, and its relationship to the neighbouring properties, would represent an unacceptably cramped form of development, which would be detrimental to the residential amenity of the adjoining properties and have an unacceptable adverse impact on the character and appearance of the area contrary to Policies GD1 and SH8 of the South Herefordshire District Local Plan, and Policies DR1 and H13 of**

the Herefordshire Unitary Development Plan (Revised Deposit Draft).

- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

52. **DCCW2006/1908/F - 47 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LJ [AGENDA ITEM 14]**

Installation of acoustic housing and silencer to kitchen extract on existing public house.

In accordance with the criteria for public speaking, Mr. Dalton spoke against the application.

The Local Ward Members commented that none of them had received letters of complaint about noise from the ventilation duct directly. Whilst acknowledging the objector's concerns, it was noted that the Environmental Health and Trading Standards Manager considered that the measures would 'bring noise levels down below background noise levels and abate the existing nuisance'. The Chairman commented that, regrettably, Members did not always receive notice about letters of complaint from residents in their Ward.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **The installation of the acoustic housing and silencer shall be installed in accordance with the acoustic report prepared by Acoustic Design Technology within one month of the date of this permission. The approved installation shall thereafter be maintained in perpetuity.**

Reason: To safeguard the amenity of adjoining occupiers.

Informative:

1. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

53. **DCCW2006/1815/F - 1 COPPIN RISE, BELMONT, HEREFORD, HR2 7UE [AGENDA ITEM 15]**

Separation of existing dwelling to form two dwellings.

In accordance with the criteria for public speaking, Mrs. Robinson spoke on behalf of Belmont Rural Parish Council and Mr. Pritchard spoke on behalf of the applicant.

Councillor P.J. Edwards, a Local Ward Member, said that he was unable to support the application as the access and egress and parking arrangements were unacceptable. He questioned how safe access could be achieved given the position of the existing dwelling and the signage and service fittings outside the site. He felt that the proposal did not conform to Herefordshire Unitary Development Plan (Revised Deposit Draft) policies DR1 (Design), H14 (Re-using Previously Developed Land and Buildings), H15 (Density), H16 (Car Parking) and H17 (Sub-division of Existing Housing), H19 (Open space requirements), and South Herefordshire District Plan policies GD1 (General Development Criteria), T3 (Highway Safety Requirements) and T4 (Highway and Car Parking Standards).

Councillor Ms. G.A. Powell, also a Local Ward Member, drew attention to the comments of Belmont Rural Parish Council, particularly the view that there was insufficient space to park four vehicles within the remodelled frontage, and felt that the proposal should be refused.

Councillor J.W. Newman, the other Local Member, felt that highway safety would be compromised by the proposal and that the visual impact of parking arrangements would not be in keeping with the locality.

The Development Control Manager commented that the Traffic Manager was satisfied with the proposal but acknowledged Members' concerns about the impact of the proposed car parking on the character and appearance of the area.

A number of Members felt that the proposal was over intensive and would have a detrimental impact on the area.

RESOLVED: That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. The division of this dwelling, sited at the junction of Coppin Rise and Yarlinton Mill, will increase the amount of parking at this visually prominent location to the detriment of the amenity and character of the area. The proposal is therefore contrary to Policies DR1 and H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and GD1 of the South Herefordshire District Local Plan.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

54. DCCE2006/1936/F - 21 FAWLEY CLOSE, HEREFORD, HR1 1AL [AGENDA ITEM 16]

Proposed single storey extension.

RESOLVED:

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approved the application subject to the following conditions and any further conditions considered necessary by officers:

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A06 (Development in accordance with approved plans).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B03 (Matching external materials (general)).

Reason: To ensure the satisfactory appearance of the development.

Informatives:

1. N03 - Adjoining property rights.

2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

55. DATE OF NEXT MEETING

Wednesday 23rd August, 2006 at 2.00 p.m.

The meeting ended at 4.35 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2006/0800/T**

- The appeal was received on 10th July, 2006.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Cellular Systems Ltd.
- The site is located at The Footway Of Old Eign Hill Near the Junction With Hampton Dene Road/Old Eign Hill, Hereford, HR1 1UJ.
- The development proposed is 1 No. 12.5m Column accommodating three number internal antennae and a ground based cabinet.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2005/2947/F**

- The appeal was received on 23rd March, 2006.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. Powell.
- The site is located at Land Adjacent to Brick House, Bush Bank, Hereford, Herefordshire, HR4 8PH.
- The application, dated 9th September, 2005, was refused on 24th October, 2005.
- The development proposed was Removal of Condition No. 12 from planning permission DCCW2004/4212/F to allow the retention of two spanish polytunnels approved under planning permission DCCW2003/2321/F.
- The main issue is whether the two polytunnels adjacent to the boundary of Pyon House cause significant harm to the living conditions of the occupiers of the house because of their impact on the amenity and enjoyment of the garden.

Decision: The appeal was UPHELD on 10th July, 2006.

Case Officer: Kevin Bishop on 01432 261946

If Members wish to see the full text of decision letters copies can be provided.

5 DCCE2006/1772/F - SITING OF TEMPORARY LIVING ACCOMMODATION FOR AGRICULTURAL WORKERS. LAND AT WHITETHORN FARM, CAREY, HEREFORD, HR2 6NG

For: Mr. & Mrs. M. Soble, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 23rd May, 2006 Ward: Hollington Grid Ref: 55900, 31056

Expiry Date: 18th July, 2006

Local Member: Councillor W.J.S. Thomas

This application was deferred at the Central Area Planning Sub Committee on 26th July, 2006 to allow an inspection of the site. The report has also been updated in light of additional information received.

1. Site Description and Proposal

1.1 The site is located north of unclassified road 72001, west of the hamlet of Carey. Ground levels fall steeply from the road northwards into the site and also from west to east surrounding the site. Immediately south is a small deciduous woodland known as Whitethorn Wood and around 80 metres north of the site are three detached dwellings located on the northern side of unclassified road 72003. An existing gravel track provides access into the site leading to an agricultural storage building for which planning permission was approved last year. The site lies within the Wye Valley Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.

1.2 Temporary planning permission is sought for the siting of a mobile home on land to the west of the existing agricultural building to be occupied by a full time agricultural worker. Although no period has been specified, the relevant policy stipulates such proposals should be limited to three years. The mobile home would take the form of a timber clad chalet, although the specific design is yet to be selected. The applicants have provided an agricultural appraisal along with supporting letters from a horticultural expert and the Organic Advisory Service to explain the nature of the business and demonstrate the need for residential accommodation on site. These are appended to this report.

2. Policies

2.1 South Herefordshire District Local Plan:

C1	-	Development within the open countryside
C4	-	AONB landscape protection
C5	-	Development within AONB
C6	-	Landscaping within AONB
C8	-	Development within AGLV
SH14	-	Siting and design of buildings
SH17	-	Agricultural workers' dwelling

- SH18 - Imposition of agricultural occupancy condition
- SH26 - Residential caravans/mobile homes

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S7 - Natural and historic heritage
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape character and areas least resilient to change
- H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses

2.3 Planning Policy Statement 7 – Sustainable Development In Rural Areas

3. Planning History

- 3.1 CE2006/0400/S - Agricultural building to store hay, straw, animal feeds and general storage. Prior Approval Not Required 28th February, 2006.
- 3.2 CE2006/0403/S - Agricultural glasshouse for raising of plants. Prior Approval Not Required 28th February, 2006.
- 3.3 CE2005/1944/S - Housing for irrigation control equipment and standby generator. Prior Approval Not Required.
- 3.4 CE2005/1124/S - Erection of agricultural building. Prior Approval Not Required 27th April, 2005.
- 3.5 CE2005/0350/F - Construction of farm track. Approved 4th May, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to condition requiring visibility from the access to be improved.
- 4.3 County Land Agent: The project has started and is running well. Much of the capital expenditure has now been spent with the planting of fruit trees, the erecting of storage and office barn, polytunnels, etc. It would appear to be a well run operation with the production and marketing property thought through. The enterprise has every potential to be successful and as such profitable. In summary, the enterprise is imaginative and well planned and justifies a three year temporary permission for the mobile home.

5. Representations

- 5.1 Little Dewchurch Parish Council: Comments awaited.
- 5.2 Thirteen letters of objection have been received from local residents the main points raised are:

- The character of the landscape which is designated as Area of Outstanding Natural Beauty and Area of Great Landscape Value has been adversely affected by recent developments. A mobile home will further detract from the quality of the landscape.
- There are other properties in the locality currently for sale and rent which would provide the necessary accommodation. An existing bungalow in the locality is presently for sale for £185,000 which should be affordable.
- There is no need for 24/7 presence on site.
- There is already a significant increase in noise over weekends and bank holidays from the refrigeration vehicle and other activities which has meant you cannot sit out in the gardens at weekends or evenings.
- A small food processing factory is presently being operated from the site.
- The aim of Planning Policy Statement 7 is to protect the environment, maintaining stable levels of economic growth and employment and concentrate development within existing towns and villages and strictly control development of the countryside.
- Many organic farms across Herefordshire do not have on site accommodation.
- A functional need to live on site has not been proven. Many farmers, market gardeners and other business would like to live adjacent to work but it is not realistic or valid reason for a mobile home.
- Any information that is requested to remain confidential should not be used in the assessment of the application.
- The local highway network is not of a suitable standard for existing and proposed development.
- The accommodation is for the landowners and not for agricultural worker thus the description is misleading.
- The log cabin should be sited in a different location.
- There has been a mobile home on site since July 2005 occupied by seasonal workers and another has been moved on site in the beginning of July. The seasonal workers can provide the essential on site presence.
- The site lies outside of the village envelope for Little Dewchurch.
- The size of the unit is unlikely to be viable in the short or longer term.
- The applicant already owns a property in Hampshire.
- The track and access is not sufficient for the proposed uses.
- There are no long term contracts for the purchase of the goods produced on site.

5.3 Ten letters of support have been received, the main points raised are:

- The small scale sustainable organic farm is a highly desirable project in keeping with the AONB.
- Managing the farm from a dwelling away from the site is not sustainable.
- Only a medium sized van or pick-up will be required to collect daily or weekly goods.
- The recent planting does and will enhance the appearance of the site and screen the buildings.
- The applicants farming practices fully accord with the Council's objectives set out in the Herefordshire Plan.
- There has already been an increase in wildlife due to the applicants sympathetic farming practices.
- There is a lack of affordable housing in the countryside and it is now very difficult for small scale sustainable agriculture to be viable.
- The applicants have intergrated well into the community.

- There are many people in the community who fully support the applicant in their business venture and their efforts in maintaining the viability of traditionally rural food producing area and is a welcome sight.

5.4 The full text of these letters and agricultural appraisals can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The application is for the siting of a mobile home which is intended to be of a twin unit timber clad structure measuring approximately 11 metres in length by 6 metres in width. Although no time period has been specified, the standard period for such proposals is 3 years.

6.2 The applicants holding extends to 18 hectares (44 acres) of Grade 1 agricultural land purchased in September 2004 which in June 2006 gained organic status. The land has been primarily planted with fruit orchards including apples, pears, plums and cherries (7 hectares), soft fruits areas of raspberries, blackberries, strawberries, gooseberries, redcurrants, blackcurrants and jostaberries (1.5 hectares) and 2 hectares of vegetables. A small number of free-range hens proposed to be increased to 100 and 6 breeding sows are also kept on the land. The applicants also propose to start processing on site some of the food produced including the production of cider, fruit juices and jams. Some of the facilities for this food processing operation already exist on site including refrigeration equipment. The ethos of the enterprise being sustainable organic food production.

6.3 Policy H8 of the Unitary Development Plan and advice within Planning Policy Statement 7 states that where the evidence for a long term need for an agricultural workers dwelling is inconclusive or where the enterprise has not been fully established, planning permission for temporary accommodation may be granted for a maximum period of 3 years. The guidance sets out five criteria, which must be satisfied to enable support to be given for such a proposal. These being:

1. Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions).
2. The functional test to establish whether it is essential for the proper function of the enterprise for one or more workers to be readily available at most times.
3. Clear evidence that the proposed enterprise as been planned on a sound financial basis.
4. The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned.
5. Other normal planning requirements such as siting and access are satisfied.

It is against these criteria that the application is being considered.

Clear evidence of a firm intention and ability to develop the enterprise concerned

6.4 A detailed agricultural appraisal has been provided along with a business plan up to the year 2010 including projected financial returns for the period 2006-2010. Much of the basic infrastructure has now been installed on site including an agricultural storage

building incorporating refrigeration equipment, polytunnel for propagation of vegetables, farm track, pumping station and bore hole for irrigation purposes along with the planting of the crops. This evidence and investment alongside the projected business plan indicate a firm intention to develop the enterprise further with good prospects of it becoming viable and sustainable in the short and long term.

Whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times

- 6.5 It must be demonstrated that there is a clear functional need to live on site at most times. The example referred to in PPS7 and widely recognised and used by the Council and Inspectors on appeal is that workers need to be on hand, day and night to care for animals or agricultural processes at short notice or deal with emergencies that may lead to the serious loss of crops. Activities associated with food processing as opposed to agriculture cannot be used to justify a mobile home.
- 6.6 There is presently only a small amount of livestock on the holding totalling six pigs and a few free-range hens. Whilst the breeding pigs will produce around twelve litters a year totalling 100 pigs and the number of hens is to be increased to around 100, this amount of livestock housed and farmed in a free range/organic manner does not necessitate any on site presence although it is appreciated that they will require regular and on occasions, night-time inspection. The crop production of fruit and vegetables is also predominantly undertaken in a non-intensive manner and therefore is not susceptible to significant crop failures in the same way that produce grown intensively within polytunnels or greenhouses may be although modern alarmed automated systems with back up generators can now address such problems.
- 6.7 Organic horticulture is very labour intensive and there is also likely to be instances where there is the need to work during unsociable hours or even through the night to harvest the crops, for example. However, this requirement appears to be sporadic and the nature of the business is such that it could successfully be managed from a property in the locality. Furthermore, if there are occasions when there is an essential functional requirement to live on site in connection with a particular activity, although not ideal, this need could be met by a temporary mobile home in the form of a touring caravan which could be taken on and off site as required. Such a situation is not uncommon with farms particularly where animal husbandry is an issue such as lambing or calving periods. Therefore, whilst it would undoubtedly be more convenient to live on site and would assist in the future development of the business, it is not considered essential for the successful functioning of the business for a permanent on site presence.

Clear evidence that the proposed enterprise as been planned on a sound financial basis

- 6.8 The projected business accounts provided for 2006 to 2011 identify a marginal profit of for this year of £5,805. If a standard agricultural wage of around £14,000 is deducted, the profit would obviously turn into a loss. However, the projected figures identify the profits margins progressively increasing in line with the development of the business with a net profit projection for the year 2010 of £61,140. Although the figures are all largely projected and will be reliant on more secure contracts for the purchase of the produce in forthcoming years, the projections appear realistic. Furthermore, it is understandable that as the business is still developing, profit margins will be relatively low in its infancy. As such the information provided would appear to indicate that the

business has been planned on a sound financial basis and has good prospects of being viable in the longer term.

The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

- 6.9 The applicant has until very recently rented a property in the locality but there is no security of tenure and they have now been given notice to quit. A number of objectors have commented on the fact that there are currently 2 properties for sale in the locality, one of which adjoins the applicants land. It is understood that the cheaper of these properties for sale at £185,00, which was in need of major renovation has now been sold.
- 6.10 A schedule of currently available accommodation for rent and sale in the locality has been provided. Of the 28 properties listed, prices range from £210,000 to £785,000 and four properties are available for rent ranging from £485 (1 bed) to £1000 per month for a three bed. Whilst this search has not been undertaken by a surveyor or estate agent, it appears a true reflection of the current situation.
- 6.11 It is understandable that as the business is in its infancy they would not wish to undertake capital expenditure purchasing a property although this is not a reason for supporting the application. The applicants case is also centred around the need to live on site and it would not now appear to be their desire to continue operating the business from a property in the locality although the agent advises that another property was sought for rent in the locality last year but it could not be secured. Furthermore, the projected profit margins would appear to indicate that the repayments on a mortgage to secure a purchase is possible. However, it is recognised that this would undoubtedly put further financial constraints on the business but no financial information has been provided to demonstrate that this is not an option. Ultimately, if there was considered to be a functional need to live on or near the site, one of the available properties could well be suitable.

Other normal planning requirements such as siting and access

- 6.12 A timber chalet style construction is proposed which is considered to be the most appropriate design and material given the location of the site within an Area of Outstanding Natural Beauty. The applicants have agreed to amend the siting to bring the chalet nearer to the existing buildings both constructed and approved which will assist in creating a more compact group of development. Ultimately, the development will have an impact on the landscape but the proposal ensures that the impact is minimised. The Traffic Manager considers the access to be acceptable providing the visibility is improved.

Conclusion

- 6.13 There is no doubt that the applicants have worked hard to develop an environmentally and financially sustainable business through organic working practices and a good business case appears to have been formulated. Furthermore, having on site accommodation would undoubtedly assist in the efficient management and development of the horticultural enterprise. However, the essential need for accommodation on or close to the site at most times day and night does not exist.

Therefore, whilst there are many positive merits to the proposals, all the required tests have not been satisfied and the application is recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the following reason:

- 1. The nature of the business does not warrant a functional presence on site or in the locality at most times. As such the development is contrary to Policy SH17 of the South Herefordshire District Local Plan, S8 of the Unitary Development Plan and advice contained within Planning Policy Statement 7 entitled 'Sustainable Development in Rural Areas'.**

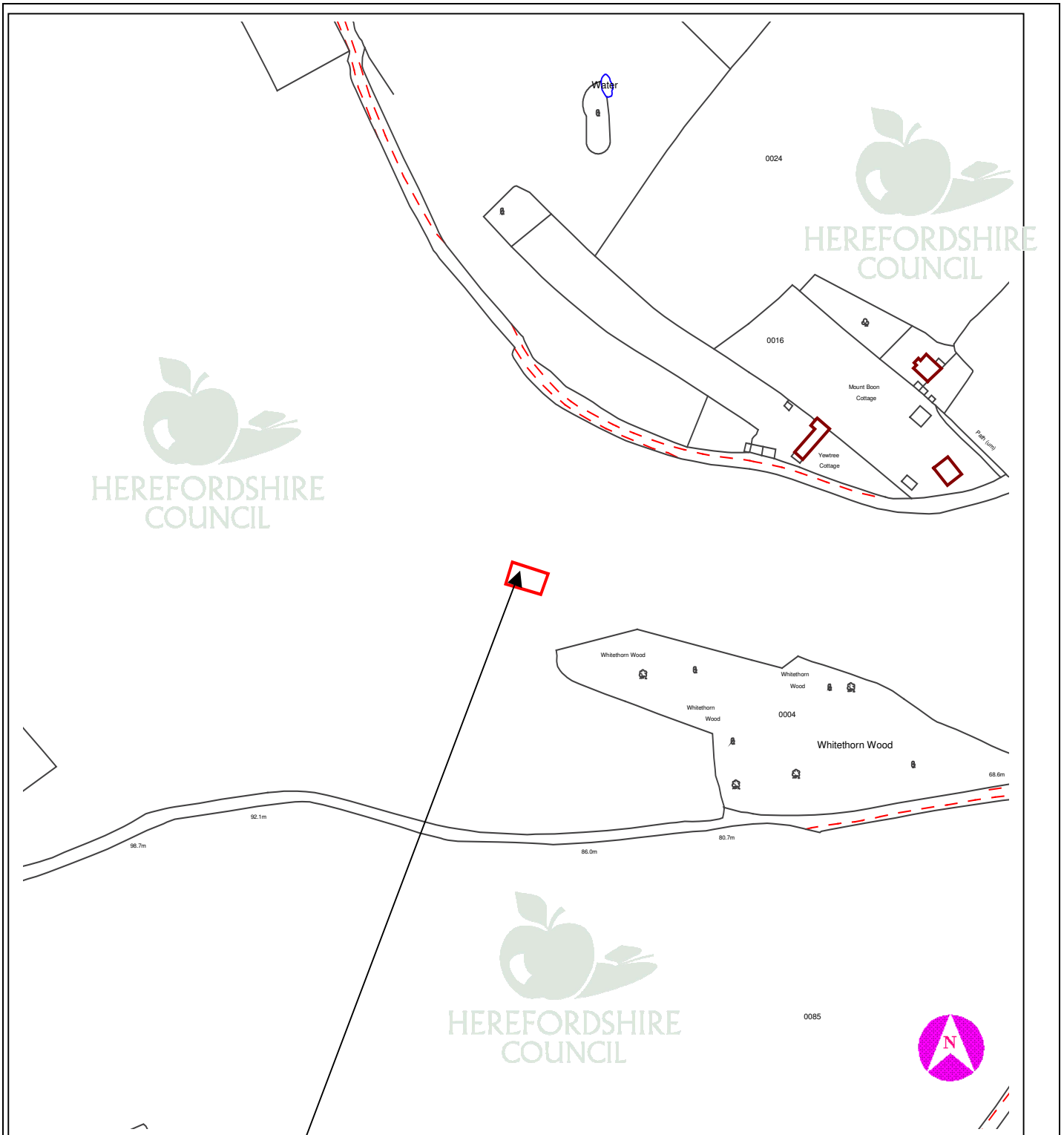
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1772/F

SCALE : 1 : 2500

SITE ADDRESS : Land at Whitethorn Farm, Carey, Hereford, Herefordshire, HR2 6NG

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Planning Statement
by Paul Smith Associates.

Planning Application Submitted by Mr. and Mrs. M. Soble
for
the Siting of Temporary Living Accommodation for Agricultural
Workers, Whitethorn Farm, Carey, Herefordshire. HR2 6NG.

1.0 Background.

1.1 The applicants bought this 18 hectare holding in September 2004 since which time they have established an organic horticultural enterprise. The holding completes organic conversion in June 2006. It comprises Grade 1 land and it has been planted primarily with top fruit orchards including apples, pears, plums, and cherries, soft fruit and vegetable areas. The holding has achieved Soil Association registration and qualifies for DEFRA grants for organic conversion and environmental stewardship.

1.2 To help restore the bio-diversity of the holding and improve protection over 500 trees have been planted using primarily native species to extend the existing woodland together with new under-planting to replace the dead and dying trees. Over 1000 metres of hedgerow has been planted to replace the hedges grubbed out over the last 20 years. Large areas are left uncultivated and un-mown as wildlife habitats. The orchards comprise more than 70 varieties and are planted in a more traditional manner with wider spacing and mixed grass and wildflowers growing below.

1.3 The farm implements good organic and sustainable farming practices as much as possible using lengthy crop rotations and fertility building leys to reduce pest and disease problems. The only additions are farmyard manure from neighbouring farms and green waste compost from council composting sites as a soil improver and mulch.

1.4 The farm is run on a full-time basis by the two owners with the help of seasonal workers and local contractors. As a response to the growing needs of this holding, the applicants have constructed a farm track, a storage barn, pole barn, a borehole for irrigation purposes and a greenhouse in addition to the siting of temporary polytunnels. The seasonal workers are accommodated in a temporary mobile home. The applicants have been able to rent a nearby holiday cottage property as an interim measure. However, their occupancy is reaching an end. The use of this property as holiday accommodation is soon to resume and there exists no other accommodation available to them. The needs of the holding now compel the applicants to live on-site so as to supervise and manage the unit appropriately.

1.5 The applicants have proven business experience and horticultural skills to ensure the holding is a viable venture. They also place significant emphasis upon environmental and local economic benefits. Sustainable farming is essential to retain the inherent qualities and beauty of the local area and traditional farming methods with low inputs and dedicated wildlife areas are a valuable resource. The wide range of crops makes more demands upon the applicants in terms of management and close supervision than would be if they adopted non-organic farming practices. However, this wide range of crops reduces the risk, makes better use of labour and allows more produce to be sold locally throughout the year. Better crop rotations for pest and disease control can also be established.

1.6 Despite the holding being relatively small scale and labour intensive, a good financial return will be achieved due to the range of valuable crops and direct sales to local markets. The holding hopes to be able to employ in time one or two local workers on a permanent basis. The farm has already established local markets with restaurants, speciality and convenience stores as well as number of local residents seeking out good organic produce. The applicants believe that there is excellent potential for a small farm shop and local box scheme.

1.7 In all, the farm contributes increasingly to the aims of Area of Outstanding Natural Beauty with its adoption of sustainable agricultural practice, farming for wildlife and by providing a range of produce to local people and businesses.

1.8 The basic infrastructure is now in place to establish a successful future for this enterprise. However, the impending loss of the applicants' temporary and unsecured living accommodation threatens to undermine their business plans and the future viability of their holding. It is under these circumstances that this planning application is submitted.

2.0 Relevant Development Plan Policy and National Planning Statements.

2.1 To be successful, such applications must accord with the development plan and PPS7 'Sustainable Development in Rural Areas' unless special circumstances dictate otherwise.

2.2 In support of this application, two independent reports produced by Mr. Keith Worsley and Mr. Roger Hitchings, Head of The Organic Advisory Service, are attached (see Appendix 1). Both Mr. Worsley and Mr. Hitchings, as experts in this field, have advised the applicants on the establishment and organic conversion of the holding.

2.3 Paragraph 12 of Annexe A to PPS7 permits the grant of planning permission for temporary agricultural living accommodation provided that an applicant satisfies the following criteria.

(i) Clear Evidence of a Firm Intention and Ability to Develop the Enterprise.

2.4 The applicants established their holding 20 months ago and since that time have committed themselves and have made substantial investments in this holding including the erection of buildings. The applicants have assumed the responsibility of employing and accommodating seasonal workers and have rented a house in the hamlet for themselves whilst they establish their holding.

2.5 In addition, the applicants have undertaken extensive research and have planned their holding meticulously resulting in its Soil Association Organic registration and in its Organic conversion next month. The applicants chose this holding as it comprises Grade 1 agricultural land and a topography, low frost risk and good water source ideal for horticultural (see paragraph 3 of Mr. Worsley's letter).

2.6 As part of this process, the applicants have produced an overview of their holding and a business plan. This information addresses confidential matters and the applicant is reticent to place it upon a file open to the public. However, the applicants do not object to presenting this information to officers and their agricultural consultant on a confidential basis and have done so under separate cover for their consideration. Nevertheless, Mr. Worsley had provided a financial appraisal of this holding upon which the Council can rely. This business plan shows that this holding has been established on a sound financial basis with substantial investment in orchards and long-term perennial crops and the necessary infrastructure although the enterprise is debt-free.

2.7 There is clear evidence of the applicants' firm intention is to continue to be engaged in farming and that they are willing and able to continue to realise their business plans. Both Mr. Worsley (paragraph 14 of his letter) and Mr. Hitchings (see his conclusions) confirm this assertion.

(ii) Whether there exists an Essential Functional Need for One or More Workers to be Readily Available at Most Times.

2.8 The applicants are the primary workers on this holding and it is essential for them to be on site and readily available at all times. The holding comprises a wide range of crops, growing aids, livestock and facilities requiring close management and supervision throughout the year.

2.9 It is important to note that organic horticultural and animal husbandry are much more labour intensive than conventional farming relying upon a more 'hands on' intuitive approach in harmony with nature for nutritional, pest and disease management rather than a pre-designed preventative program of chemical sprays and routine treatment with drugs.

2.10 Close climate control is essential for the raising of plants from seed in the greenhouse with heated propagation beds, ventilation and heating systems to be closely monitored and adjusted. The irrigation of nursery plants is by hand.

2.11 Protection is essential for some crops and polytunnels and greenhouse need ventilation control from dawn to dusk especially though the summer months. Polytunnel crops need irrigation and trickle systems need to be monitored and adjusted to meet the plants' specific requirements.

2.12 Many crops are susceptible to spring frosts and frequently 'fleece' covering are used to protect the most vulnerable plants. The majority of outdoor plants require intermittent irrigation to maintain plant health and reduce stress especially important in organic horticulture; crops and irrigation systems need constant monitoring for efficient and effective use of water.

2.13 Harvest of fruit and vegetables typically starts as dawn in summer months in order to minimise the 'field heat' in the crop, reduce refrigeration needs and crop deterioration. Seasonal workers who help with harvest need organisation and close supervision.

2.14 Fruit and vegetables need to be chilled immediately after harvest and transferred to cold store for short or long-term storage at the correct time and temperature. Top fruit crops will be in cold storage throughout the autumn and winter. Some of the soft fruit will be frozen on the day of harvest and moved to bulk freezers when the correct temperature is achieved. These processes need constant monitoring and personnel need to be available at all times. Cold stores, freezers and chillers need regular monitoring throughout the year and it is essential that personnel are on hand to deal promptly with any emergencies.

2.15 The holding includes a breeding pig herd of Oxford Sandy and Black pigs. This is a traditional English but endangered breed that is ideal for organic farming and a very important part of the holding's rotations and nutrient management. There will be six breeding sows producing about twelve litters a year. Although housed outdoors, the pigs will need feeding, inspection twice daily and assistance with farrowing.

2.16 In addition to these pigs, free-range chickens for egg production also provide some pest and weed management throughout the holding. Chickens require feeding and attention morning and evening and to be securely housed at night. The chicken flock will be introduced once the avian flu risk is reduced.

2.17 Messrs. Worsley and Hitchings attest to the fact that organic horticulture is very demanding of continuous manual inputs and skill, that the labour requirements of organic systems is always greater than in conventional counterparts and that there exists less margin for error to be successful. It is not enough that a crop survives – they must be given the best environment all the time and Mr. Hitchings considers that this is impossible if the owners are compelled to live off-site. The essential need for constant close supervision, protection and management of crops, livestock, ventilation and irrigation systems, seasonal labour and the cold storage procedures critical to the success of this enterprise is confirmed.

2.18 Mr. Worsley discounts reliance upon automatic and alarm systems because they will not warn and correct a malfunction; there is an essential need for a constant presence of a person on site (paragraph 13.9). Mr. Hitching considers reliance upon these automatic systems as being inappropriate. In any case, such systems become useless if there is a power failure or electrical fault. Mr. Hitchings also points to the need for the constant presence on-site of mechanical expertise for the carrying out of repairs and servicing.

2.19 Both Mr. Worsley and Mr. Hitchings see the continuing development of this holding renders it increasingly essential for security purposes that there is a constant on-site presence of the applicants. Paragraph 6, Annex A of PPS7 accepts that the protection of livestock from theft or injury is a material consideration although it is not, by itself, sufficient reason to justify a new dwelling.

2.20 Both Mr. Worsley and Mr. Hitchings state that the applicants must live on-site if they are to realise their business plan and continue to develop their holding. Therefore, there is a clear and essential functional need for the applicants to live on-site and that this need will increase as the holding develops.

(iii) Clear Evidence that the Proposed Enterprise Has Been Planned on a Sound Financial Basis.

2.21 Annex A of PPS7 refers to 'proposed' enterprise whereas the applicants submit this planning application some time after it has been established and they have achieved their initial business objectives.

2.22 The applicants have established their enterprise with great care marrying their business, marketing and horticultural experience with the advice of ADAS and the Organic Advisory Service. The holding qualifies for significant Organic conversion subsidies and Entry level system payments as well as the single farm payment.

2.23 The establishment of a wide range of fruit, vegetable and pork produce will minimise the reliance on any one crop and allow direct sales of a wider range of produce to limited local customer base at premium prices. Crops will attract a premium price once the holding becomes fully Organic next month. The increase in the supply of fruit and vegetables to local restaurants, small shops, farmers' markets and a box scheme better suits variations in supply more than if only larger customers were supplied. The wide range of crops balances capital and labour intensive enterprises with long- and short-term returns whilst using labour more effectively throughout the year avoiding significant peaks in a limited season.

2.24 Furthermore, small-scale processing (for example: juicing and freezing) uses prudently excess and grade-out crops extending the selling season and reducing waste. The applicants have identified a market opportunity for quality organic processed fruit for the speciality ice-cream, yoghurt and baby-food sectors where lower quality imported product presently dominates.

2.25 The applicants' business plan shows, *inter alia*, that the net profit of this enterprise will increase steadily from this year to the extent that within three years an income considerably greater than the minimum agricultural wage will be generated by this enterprise. Mr. Worsley has undertaken his own financial assessment which points to the same conclusion. Significantly, Mr. Hitchings' experience leads him to believe that the applicants' figures are, in some instances, on the conservative side.

2.26 Given this, I submit that the applicants have demonstrated that their enterprise has been planned on a sound financial basis and that the success of this holding achieved thus far attests to this fact.

2.27 In addition to this, the applicants place a significant emphasis upon environmental benefits including the restoration of the bio-diversity of their holding. This approach is entirely appropriate given that the holding lies in the Area of Outstanding Natural Beauty within which the primary objective is the protection and enhancement of its natural beauty. Significant lengths of hedgerow have been re-instated, the woodland has been improved and extended, large areas are left uncultivated and un-mown as wildlife habitats and the orchards have been planted in a more traditional manner to allow mixed grass and wildflowers to grow underneath.

2.28 In addition, the holding is conducting a DEFRA-funded project to evaluate green waste collections and it is part of the HDRA annual weed management programme.

2.29 Although the applicants' case is based primarily upon their ability to operate their enterprise at increasing levels of profitability and an ever-present functional need, it is worthy of note that weight is given to the management of attractive landscapes under paragraph 8 of Annex A, PPS7. Therefore, the

applicants' rehabilitation of their holding and restoration of the local landscape is worthy of consideration.

(iv) The Functional Need Could Not Be Met by Another Existing Dwelling on the Unit or Any Other Existing Accommodation in the Area Which is Suitable and Available for Occupation by the Workers Concerned.

2.30 There is no living accommodation on the holding nor is there any suitable accommodation in the locality. The applicants have been fortunate to rent a holiday cottage in the hamlet but this occupation is unsecured and subject to the demand for it during the tourist season. It is imperative that the applicants secure on-site living accommodation to manage and supervise their holding for the reasons given above. This assertion is supported fully by Mr. Worsley and Mr. Hitchings.

(v) Other Normal Planning Requirements.

2.31 The site of the temporary accommodation has been chosen having regard to the topography of the holding, the need to avoid using the most productive land and to ensure that it is well-related to existing farm buildings to meet the identified functional need. The chosen siting also minimises the temporary visual impact of this accommodation upon the local landscape; it would be seen in context with existing barns and would be low-lying compared with the adjoining rising woodland. It would be in keeping with the established pattern of development in the locality. If need be, there is scope to supplement existing natural screening with further planting to reduce any visual impact still further.

3.0 Conclusions.

3.1 The applicants' development proposal satisfies all the criteria of relevant national and local planning policies. As such, planning permission ought to be granted to the applicants for the siting of temporary living accommodation on their holding.

3.2 It has been demonstrated that there exists a functional need for this on-site living accommodation and that this need cannot be met by pre-existing, suitable accommodation in the area. It has also been demonstrated that the applicants have a firm intention and ability to continue to develop their enterprise successfully and that it is been planned and operated on a firm financial basis.

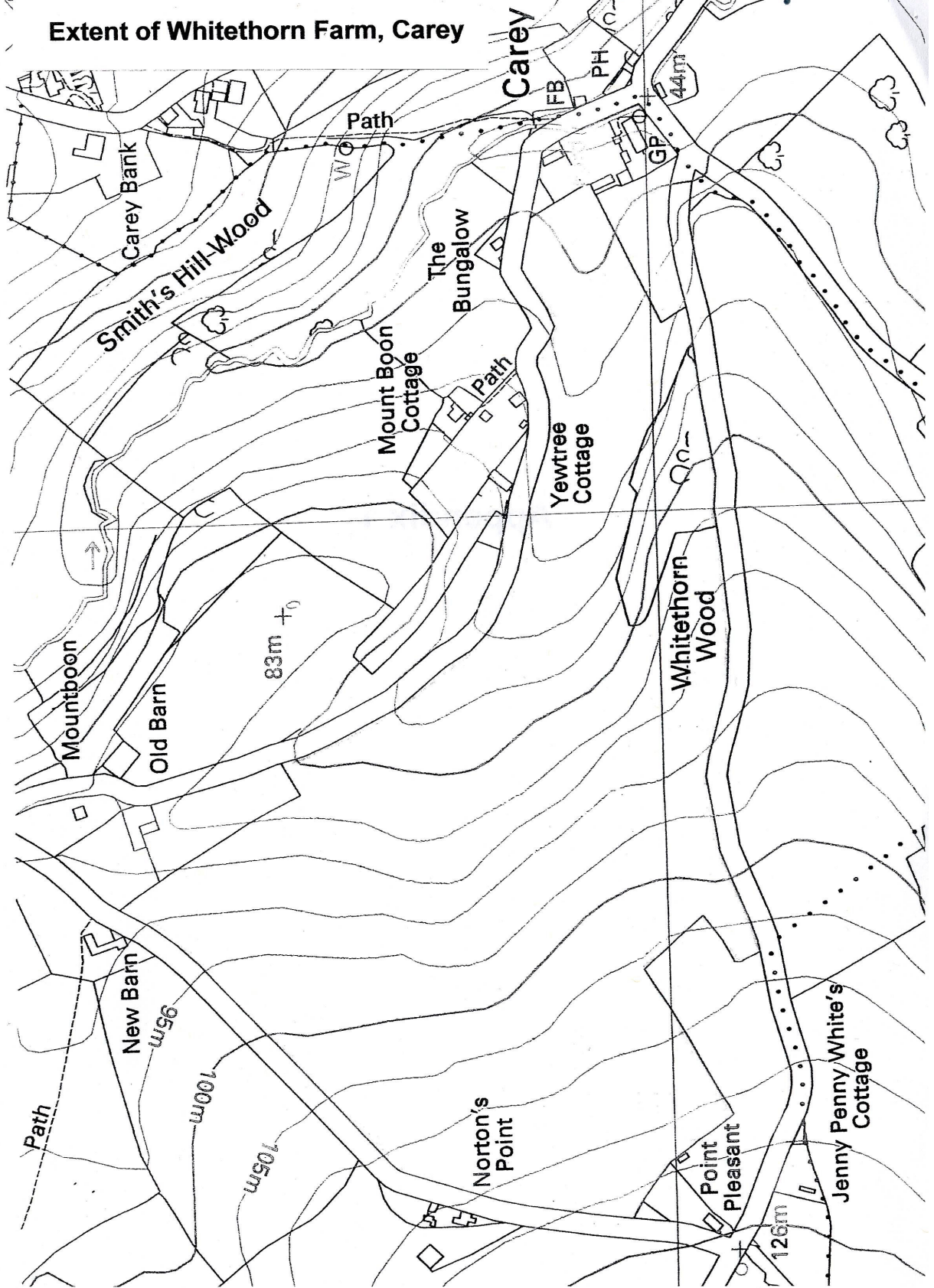
3.3 The siting of the accommodation is the most appropriate and acceptable given the functional needs for this accommodation and the topographical and visual characteristics of the holding and the locality.



Appendix 1

CE06/1772/F

Extent of Whitethorn Farm, Carey



Keith Worsley
Horticultural Consultant
"Keymer" 23 Braemar Gardens
Hampton Park
HEREFORD
HR1 1SJ
Tel: 01432 279372

26th April 2006

Horticultural Appraisal - Mr & Mrs Soble Whitethorn Farm

1 Introduction

1.1 Instructions

I have been instructed by Mr & Mrs Soble to write a report/appraisal regarding 18ha (44 acres) of land situated in the parish of Carey now known as Whitethorn Farm.

1.2 Qualifications and Experience

I, Keith Worsley, have spent my whole career in horticulture. I obtained my horticultural diploma in 1954 at Plumpton College, east Sussex. I spent ten years managing a nursery and fruit holding in Sussex. I obtained my NDH qualification and joined NAAS and until recently retiring, have been with MAAF advisory service (now ADAS) working in Sussex, Kent, East Anglia and West Country areas, moving to Herefordshire in 1980 as senior consultant in Fruit and Hops.

1.3 Background

I first met Mr & Mrs Soble in May 2003 when they requested advice and a report regarding establishing a horticultural enterprise on a parcel of land at Pencombe. Unfortunately they were unable to procure this land but continued looking for something suitable in Herefordshire.

2 18ha Parcel of Land, Carey

2.1 Description

Invited to visit the site in April 04. It is situated in a valley with a SE aspect toward the River Wye. It comprised approx 1ha of established woodland, that had been poorly managed, and 17ha (43 acres) of open land. This was bounded by an external hedge and almost wholly by roads. There were a number of horses grazing within electric fenced areas. There were 3 or 4 gated accesses to the roads around the external boundary. There were no buildings or permanent internal divisions. It was very obvious that all the internal hedges had been previously grubbed.

2.2 Geology

The whole area is of the Devonian Red Sandstone, mainly the Eardiston Series that can be described as a generally well-drained sandy soil. There are some areas of the Bromyard Series covering the higher parts, which is a heavier soil with more water retention. There were areas of 'cupped' sandstone, which indicated a possible source of underground reservoirs of water.

3 Horticultural Potential

The whole area is classified grade 1, with perhaps some reservation on the steeper slopes with regard to soil erosion, facing SE, the very low areas a frost risk, and for all horticultural needs, a good source of water. In conclusion the whole holding has an extremely good horticultural potential - the higher areas for top fruit production with the remaining area capable of sustaining any form of intensive horticultural cropping.

4 Purchase

After lengthy negotiations the land was purchased 'freehold' in September 2004 and named Whitethorn Farm. This, unfortunately, was too late to purchase a lot of the planting stock required for that winter planting season, but orders were placed for the future needs.

5 Development Plans

5.1 The whole unit to be run on Organic principles

5.2 The 17ha was subdivided into smaller areas taking into account the site, soil, aspect, and management needs. Thus the top fruits to occupy the higher areas of land creating cider, dessert, culinary, pear, plum and cherry orchards along with the necessary windbreaks and alleyways totalling 7ha. Below this are the areas of soft fruits, raspberries, blackberries, jostaberries, blackcurrants, redcurrants, gooseberries and strawberries totalling 1.5ha. Asparagus, Rhubarb and vegetable areas total approx 2ha. Protected cropping with multiple cropping equals approx 0.1ha. The remaining unplanted areas will be incorporated within the rotational needs of the strawberries and vegetable areas.

5.3 Bore hole

Water engineers were engaged to drill for water and successfully installed a borehole capable of producing 4m³/h. A storage tank installed at the highest point of the holding along with water mains and trickle irrigation to the respective crops.

5.4 Buildings

A horticultural building 22.8mx12mx5.2m (75'x40'x17') to eaves has been erected below the wood constructed of steel, block work and sympathetically clad in wood with a fibre cement roof. This will be used to house a cold store, freezing and refrigeration machinery, pack house equipment etc.

A 'Pole barn' 12mx7mx4m (40'x23'x13') is to be erected to store machinery and equipment, bulk bins, straw etc.

5.5 Propagation

A greenhouse of 9mx6m (30'x20') is to be constructed to replace a temporary polytunnel for propagating plants for polytunnel production and outside vegetable production.

5.6 Foreign Students

A temporary mobile caravan has been acquired for student use - providing accommodation is a pre-requisite for both 'Concordia' and 'HOPS' organisations.

6 Permanent Crops

Tree fruits - these have all been planted by the end of the winter 05/06 'planting window'. The soft fruits have also been planted along with rhubarb and asparagus areas. The basic infrastructure is now in place for the whole enterprise to build up to a successful future. Soil Association Organic status should also be achieved in June 2006.

7 Financial Assessment

7.1 As with many horticultural enterprises the mix and cropping areas are complex making a detailed assessment more difficult.

7.2 To assess a new enterprise, such as this one, it is necessary to use typical crop gross margins. Thus for this exercise the 'Organic Farm Management Handbook', John Nix 'Farm Management Pocketbook' and ADAS tables have been used as a guide.

7.3 Realistic GM figures have been used in order to keep the calculations reliably achievable.

7.4 The holding cannot be expected to make a profit this early in its establishment.

7.5 The revenue from potential 'added value', juicing and flavouring will in due course make the whole enterprise more profitable.

13 Assessment of functional need

13.1 Production of horticultural crops using Organic principles is very demanding of continuous manual inputs and skill, with less margin for error, to be successful.

13.2 Protection of tender plants early in the season against frost damage with the use of fleece or polythene which needs putting on and off at times of risk.

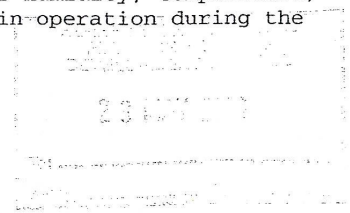
13.3 To make manual adjustments to the ventilation of the polytunnels all of which cannot be automated

13.4 Irrigation equipment needs constant attention when in use on all crops for blockages, leaks and moving surface sprinklers.

13.5 Protection from and control of pests such as rabbits, pigeons and voles.

13.6 Supervision of labour at all times but especially during the harvest periods e.g. strawberries and raspberries require picking early in the morning, outside normal working hours, to harvest fruits when they are cool.

13.7 The operation of cold storage, freezing and cool chain procedures, modified atmosphere packaging, need a qualified worker on hand to optimise storage conditions such as humidity, temperature, cooling periods and fruit movements, when in operation during the year.



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13.8 During harvest the cool chain requirement for crops needs supervision for 24 hours a day 7 days a week. For example fruits such as strawberries and raspberries need to be picked and within 30 minutes of picking the latent heat has to be extracted. Fruit is then checked weighed in punnets and placed in a holding cold store with high humidity and a temperature maintained at +/- 4°C until despatched.

13.9 There are many automatic aids and alarm systems. There is no equipment that will warn and correct a malfunction other than the presence of a human being at all times.

13.10 The pigs are enclosed by an electric fence that is portable to enable easy movement to fresh sites. However, it needs constantly checking to ensure there is no short circuit or the animals get out.

13.11 The free range chickens need shutting in their house securely at dusk and ideally opening at dawn to avoid being killed by foxes

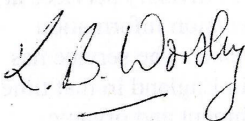
13.12 The holding is still being developed but will become more and more liable to intruders and theft, therefore, warranting an on-site presence at all times.

14 Conclusion

Mr & Mrs Soble wish to establish practical organic methods of production and to this end have made substantial investments on this 17ha holding, and will be making a lot more, indicating a sound and complete commitment to the organic system of production.

The owners have the required skills, resourcefulness and determination to make a success of the business, but need to be on-site all the time to succeed. The horticultural enterprise is being set up on sound financial footings, which will need to continue, as the organic systems need more time to bring good economic returns (compared to the conventional) in-organic systems.

Whitethorn farm has been successfully created so far from a bare piece of land. It now needs the provision of some essential on-site temporary accommodation to ensure the newly created unit can develop further successfully in the future.



Keith Worsley

The Organic Advisory Service

For Organic Principles & Best Practice

Elm Farm Research Centre

Hamstead Marshall, Near Newbury, Berkshire, RG20 0HR United Kingdom
Tel: +44 (0) 1488 657 600 Fax: +44 (0) 1488 658 503 Email: oas@efrc.com
Website: www.efrc.com



The Organic Advisory Service farm report for:

Martin Soble
Whitethorn Farm
Carey
Herefordshire
HR2 6NG

Advisor:	Roger Hitchings The Dower House Glyn Abbey Pontyates Llanelli SA15 5TL	Telephone:	01554 810158
		Mobile:	07980 57944
		Email:	roger@dower.idps.co.uk

Introduction & Objectives

This report has been prepared with the purpose of producing an agricultural evaluation to support a planning permission application for a temporary agricultural residence in the first instance. The report will review the potential productivity of the holding and the financial appraisals that have been produced. Arguments will be introduced to demonstrate the desirability and in some cases the need for a permanent on-site presence. The latter will take into account the functional need requirement as outlined in PPS7.

Before going further I should introduce myself. I am presently Head of Advisory services at Elm Farm Research Centre and I am responsible for the Organic Conversion Information Scheme (OCIS), a government contract that we have held for over 9 years. The service has delivered over 7,000 free on-farm visits to a wide range of producers in England in that time. I visited the site on two occasions and provided advice on the establishment and organic conversion. I have been in touch throughout the process and I have followed progress with interest. I have been actively involved in organic horticultural advisory and consultancy work for 8 years and before that I was a registered organic producer myself growing a wide range of vegetable and salad crops for a range of outlets including supermarkets, organic wholesalers and local markets.

1

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Director: Lawrence Woodward OBE

Council of Management: C.A. Bielenberg (Chairman), J. Cornford, D.R. Harrison, Dr. A. Onken, J.S. Skinner, Prof. Dr. H. Vogtmann.

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In terms of further background I am a member of the Advisory Committee of Organic Standards (ACOS) and I also chair its Technical Committee. I sit on both the Horticulture Strategy Group and Organic Horticulture Sub-group in Wales, and I also serve on the Horticulture Standards Committee of the Soil Association. I am directly involved in a number of Defra-funded projects covering a range of topics that includes technical aspects of organic growing, the market for organic produce and the role of imports in the UK organic market.

It is worth remembering that there is a policy context that relates to organic production. The Curry Report deals with issues of local production and marketing, organic production and its environmental benefits, and healthy eating. All of these are considered to be very positive outcomes and worthy of encouragement at all levels. The English Organic Action Plan takes these themes further and also sets out a target of doubling the proportion of UK produced organic food. As noted Government policy sets out to encourage organic production through the provision of free conversion advice, the setting up of bodies as described and through the provision of financial support under the now closed Organic Farming Scheme and the recently opened Organic Entry Level Scheme. Demonstrated benefits of organic production include increased biodiversity on organic farms, reduced consumption of external inputs, and increased employment with consequent implications for local economies.

The Farm

The details of the farm are set out in other documents and I will only note here the fact that I consider that this is a very substantial enterprise backed by considerable investment. It is also worth noting that significant steps have been taken to restore habitat and bio-diversity to the holding. While I am in general agreement with the financial figures that have been prepared though I do feel that in some instances they are on the conservative side. I am quite prepared to carry out my own analysis to back this statement up if this would be seen as helpful.

Report

Security

Regrettably security has to be near the top of the list as thefts from rural properties both commercial and domestic has increased dramatically in recent years. It is not possible at the present time to effectively deter unauthorised entry and monitor the site. Theft and vandalism can both contribute to financial losses even where insurance cover exists but more importantly the loss of key items of equipment at critical times of the year could be disastrous. The proposed dwelling would be ideally placed to monitor the farm entrance and provide a deterrent through the obvious presence of people.

Fruit production

Some of these comments will also apply to the annual crops.

- The presence of mechanical expertise on-site on a 24-hour per day basis can also be crucial for the efficient running of the farm. At busy times of the year the carrying out of

repairs and servicing during the hours of darkness could be critical to optimum timing of operations.

- Labour requirements in top fruit production are very seasonal but are extreme during the harvesting period. It can in effect mean the use of every hour of daylight and also requires a rapid response to changing weather conditions. Once again an on-site presence is essential to the efficient running of the business.
- A number of operations can require very early starts and many hours of continuous work on-site. This can include harvesting, the application of inputs, the selling of the crops, the processing of surpluses and many other operations.
- Other duties that will need to be carried out on a round the clock basis include the monitoring of the cold store parameters (and adjustments where necessary) along with the monitoring of pest levels in the orchards. Pests can be very small such as aphids, slightly bigger such as codling moth, quite large such as rabbits or very large such as deer. All cause damage in their various ways and appropriate action taken if this becomes economically unsustainable. Once again a case can be made for the monitoring of the site on a round the clock basis and the on-site presence of two full-time partners will make this possible.
- The labour requirements in organic systems are always higher than in the non-organic counterpart enterprises. The management of the labour demands is just as important as the management of the trees and the environment in which they sit. In my view this is a very important development that seeks to address current market and policy needs. It is therefore important that the workloads are distributed fairly and evenly.

Protected cropping management

In my opinion this is a very important reason why there needs to be a constant on-site presence. By its nature protected cropping seeks to maintain an ideal growing environment for the crop and this involves controlling temperature, humidity, ventilation and water supply. These can be controlled through the use of automatic systems but these would be inappropriate in this situation. In any event such systems can become useless if there is a power cut or electrical fault. Faults can lead to crop damage where an irrigation system stays on beyond its allotted time, vents stay closed in hot weather or open in the night, etc.

It is relatively straightforward to maintain an optimum environment in reasonably constant weather conditions but the real problems arise when there is a sudden change. Temperature rises of 15-20° C are not uncommon where overcast skies clear to give full sun – this is a situation where prompt action is essential to prevent damage to the crops. Sudden strong winds can cause damage to plants where the end doors are fully open for ventilation purposes and in extreme conditions can cause damage to the tunnels themselves. Problems occurring in the day are likely to be dealt with promptly when people are working there. It is the problems that can (and do) occur in the night that can give the greatest concern.

A considerable number of transplants will be raised on-site – small seedlings and transplants grown in module trays are much more sensitive to changes because they are generally less robust and because they are grown in a relatively small amount of compost. If the trays dry out unexpectedly then the young plants die – this can happen in a matter of hours. More seeds can be sown but the cropping plan will have been disrupted – seedlings that are stressed in their early stages of growth will not grow to their potential full size or productivity.

Calabrese is one example where the plants head too early because of temperature stress while lettuce seeds refuse to germinate in conditions that are too hot. At the opposite end of the temperature spectrum damage will be caused by night-time frosts if they are unpredicted or precautions not taken.

In order to achieve the productivity on which the financial figures are based monitoring and adjustments need to be frequently carried out – this should involve several checks during every day and at least one every night. It is not enough that plants survive – they must be given the best environment all the time and I believe this would be impossible if the owners were required to live off-site.

Livestock issues

A high level of animal welfare is the norm for all UK production systems but it is subject to particular emphasis in organic systems. All organic livestock producers must not only comply with the guidelines set out by the Farm Animal Welfare Council (FAWC) but also with any particular provisions within the standards of their organic Certifying Body (CB). It is possible to manage a livestock operation from off site but there are a number of reasons why this would be unacceptable in this particular case.

- At the present time there is a single strand to the livestock (pigs) but this will change when the laying hen enterprise is initiated. The complexity of the livestock operation and the business as a whole is set to increase over time, a situation that can only realistically be managed by a 24-hour presence on-site.
- Specific welfare issues are to some extent unpredictable such as illness, parasite infestation (internal and external), and delivery difficulties. Other problems include stock especially young stock getting trapped or otherwise caught up in physical situations, escapes from the holding, entry of other stock and the risk of disease transfer e.g. scab in sheep, predation and the consequent risk of injured animals, etc., etc. Many of these issues could be addressed by the housing of stock on a more or less permanent basis but this is completely unacceptable on an organic holding. Livestock can be housed for a maximum of one third of their life and only where prevailing conditions require it i.e. in the depths of winter.
- Other issues are more predictable but they still need close management and attention to detail. These include the provision of food and water, security of housing where provided (e.g. poultry), security and safety of fencing, regular inspections seven days per week (implicit in the UK Organic Standards and explicit in the Soil Association Standards), treatment of health problems according to the standards, etc.
- Any such problems that arise during the normal working day can of course be dealt with because there should be people on site but, as was noted for the management of protected cropping, it is the problems that arise 'out of hours' that give rise to the greatest concern. Welfare problems of all types do not respect the working day and in some cases such as predation are likely to be worse at night. My opinion is that welfare of the existing and proposed livestock can only be maintained at the required level by a permanent presence on-site of the person with primary responsibility for the animals.

Actions & Conclusion

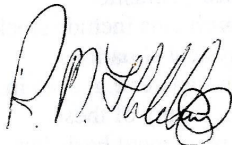
Actions & Conclusion

1. This is a business enterprise that has considerable potential for a strong degree of viability.
2. The commitment to all aspects of the business by the owners is clear and undeniable.
3. Such business developments are consistent with Government policy and can only have positive benefits for the locality and its environment. These include increased employment, the local production of food with few food miles and increased biodiversity.
4. I have set out a number of reasons why I believe a round the clock on-site presence is essential but not all will necessarily pass the functional test as required under PPS7 on their own merit.
5. That said I believe that the management of a diverse range of field crops and the complexities of the protected cropping operation does satisfy the requirements of the functional test.
6. I also consider that the existing livestock operation satisfies the requirements and this is set to become more complex as the business matures.

07 May 2006

DISCLAIMER:

In undertaking this work, *The Organic Advisory Service* has based its advice on the figures and information provided by the client or its representatives, the responsibility for which rests with the Client. *The Organic Advisory Service* has taken reasonable steps to ensure that the advice offered is accurate and applicable to the client's circumstances. No liability shall lie with *The Organic Advisory Service* in respect of any disclosure made of this advice and acceptance of this advice shall constitute an indemnity from the client to *The Organic Advisory Service*. It should be noted that the client is responsible for contacting where appropriate any relevant Government departments (e.g. DEFRA [MAFF] and the Intervention Board) to ensure that its individual situation in respect of points of law or procedure is ascertained and it is advisable that written replies are obtained to all queries.



Roger Hitchings BSc(Hons) PGCE(FE)
Head of Advisory Services

**6 DCCE2006/2347/RM - AMENDMENT TO APPLICATION
CE2005/3706/RM - REPLACEMENT OF TWO STOREY
'HEREFORD' HOUSE TYPE WITH THREE STOREY
'MIDDLEHAM' HOUSE TYPE (RETROSPECTIVE).
FORMER SAS CAMP, LAND OFF BULLINGHAM LANE,
HEREFORD, HEREFORDSHIRE**

**For: George Wimpey South West, Copse Walk,
Pontprennan, Cardiff, CF23 8WH**

Date Received: 21st July, 2006 Ward: St. Martins & Hinton Grid Ref: 50695, 38095

Expiry Date: 15th September, 2006

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The site is located on the southern side of Bullingham Lane and forms part of the land formerly associated with the SAS Camp known as Bradbury Lines. Immediately south of the site are existing semi-detached properties which front onto Redhill Avenue and land to the north has now been developed with new housing forming part of Phase 1 of the overall development. The southern boundary of the site bordering existing residential properties is largely enclosed by a combination of fencing and mature hedging. Levels within the site are generally flat.
- 1.2 Reserved matters planning permission was approved on the 8th February, 2006 for this phase of the whole development amounting to 21 units. The majority of these units are now under construction. The approved property to be built on Plot 2 which is the subject of this application is a 'Hereford' house type, this being a two bedroom two storey property with a ridge height 8.2 metres constructed as the end of a terrace of three properties. The property currently being constructed on site is a 'Middleham' house type which is a two-and-a-half storey three/four bedroom property with a ridge height of 10.1 metres. This application is retrospective and seeks planning permission to retain the property now under construction on site.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established residential areas – character and amenity
H14	-	Established residential area – site factors

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design

- H13 - Sustainable residential design
- H15 - Density
- H16 - Car parking

3. Planning History

- 3.1 CE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development with 21 dwellings with associated accesses and garaging. Reserved Matters Approval 8th February, 2006.
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane. Outline planning approved 10th February, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the provision of the same parking for the adjacent similar house types already approved.

5. Representations

- 5.1 Hereford City Council: Recommend refusal on the grounds of inappropriate design out of keeping with the approved development.
- 5.2 One letter of objection has been received thus far from 7 Redhill Avenue. The main points raised are:
 - When we moved to the property three years ago we had a view across to the Cathedral we now have a row of windows looking straight into our living areas and bedroom.
 - We do not object to a two storey house as the windows would not be so intrusive, a three storey house is unacceptable.
 - The only privacy currently afforded is by a hedge which is within the ownership of the new properties.
 - It is unacceptable that the development has been constructed without planning permission first being obtained.
- 5.3 At the time of writing it is acknowledged that the consultation period has not expired and since it is likely that further representations will be made it is advised that these will form part of a verbal update. The objection letter received to date raises material concerns in respect of the visual impact of the additional floor and the effect on privacy, which are considered to be the main planning issues.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The property now being constructed on plot 2 the subject of this application is of the same scale, form and design as the adjoining properties approved on Plots 3 and 4. This being two-and-a-half storey three/four bedroom property with the second floor rooms being accommodated within the roof space and light provided by dormer windows on the front and rear elevations. As such the development now proposed will be identical to that, which has been considered and approved by the Central Area Planning Sub-Committee on 8th February 2006 for, plots 3 and 4. Furthermore, there are other two-and-a-half storey properties of the same height in the immediate locality within phase 1.
- 6.2 On the approach into the site off the A49 the new dwelling will be seen alongside the existing two-and-a-half storey property constructed on Plot 1 and only glimpsed views are available due to existing mature vegetation, which exists in the locality. Views from the eastern direction are already shielded by existing approved development. As such the revised design of the dwelling will not appear unduly prominent in the locality or within the street scene given what is already built or approved.
- 6.3 The main issue is therefore whether the revised dwelling design has an unacceptable impact on the amenity of existing residences in the locality and particularly those properties to the south of the site on Redhill Avenue. In this regard, there is a degree of overlooking of the gardens from the rear elevations of existing dwellings in Redhill Avenue from the first floor and particularly roof windows of the dwellings approved on plots 3 and 4. The level of overlooking of the gardens will not, therefore, be materially increased by the additional height of this unit.
- 6.4 A distance of 43 metres exists between the rear elevation of the building currently under construction and the rear elevation of the properties on Redhill Avenue. The minimum standard distance for window-to-window relationships recognised nationally with any new residential development is 21 metres. As such, more than double the required minimum distance is available in this instance. Therefore, it is also not considered that there would not be any increased loss of privacy within the dwellings themselves on Redhill Avenue.
- 6.5 Notwithstanding the above, it is acknowledged that the outlook enjoyed particularly by Nos. 7 and 9 Redhill Avenue has already significantly changed and the approval of this development would further alter the outlook presently enjoyed. The perception of being overlooked can also be a material consideration and there is no doubt that even with the distances concerned from window to window, some of the properties on Redhill Avenue will have the feeling that their privacy is being invaded by existing and proposed dwellings. Ultimately, however, the situation is no different to many residential developments in and around the city particularly with the requirement to now achieve higher densities. Therefore, the combination of the already approved two-and-a-half storey properties to which the proposed dwelling is attached, the difference in levels between the properties and gardens within Redhill Avenue and the application site and the physical distances are sufficient to safeguard a satisfactory level of privacy.
- 6.6 The objector comments on the fact that the application is retrospective. This is clearly an unfortunate and a somewhat embarrassing situation for a national house builder to be in although they have advised that the amended plans were submitted but no record of receipt of the plans was ever received within the Council. The fact that the

application is retrospective should not, however, influence Members consideration of the application, as it must be considered on its planning merits in accordance with the relevant development plan policies and on this basis, the proposal is considered acceptable.

RECOMMENDATION:

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application.

Informative:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

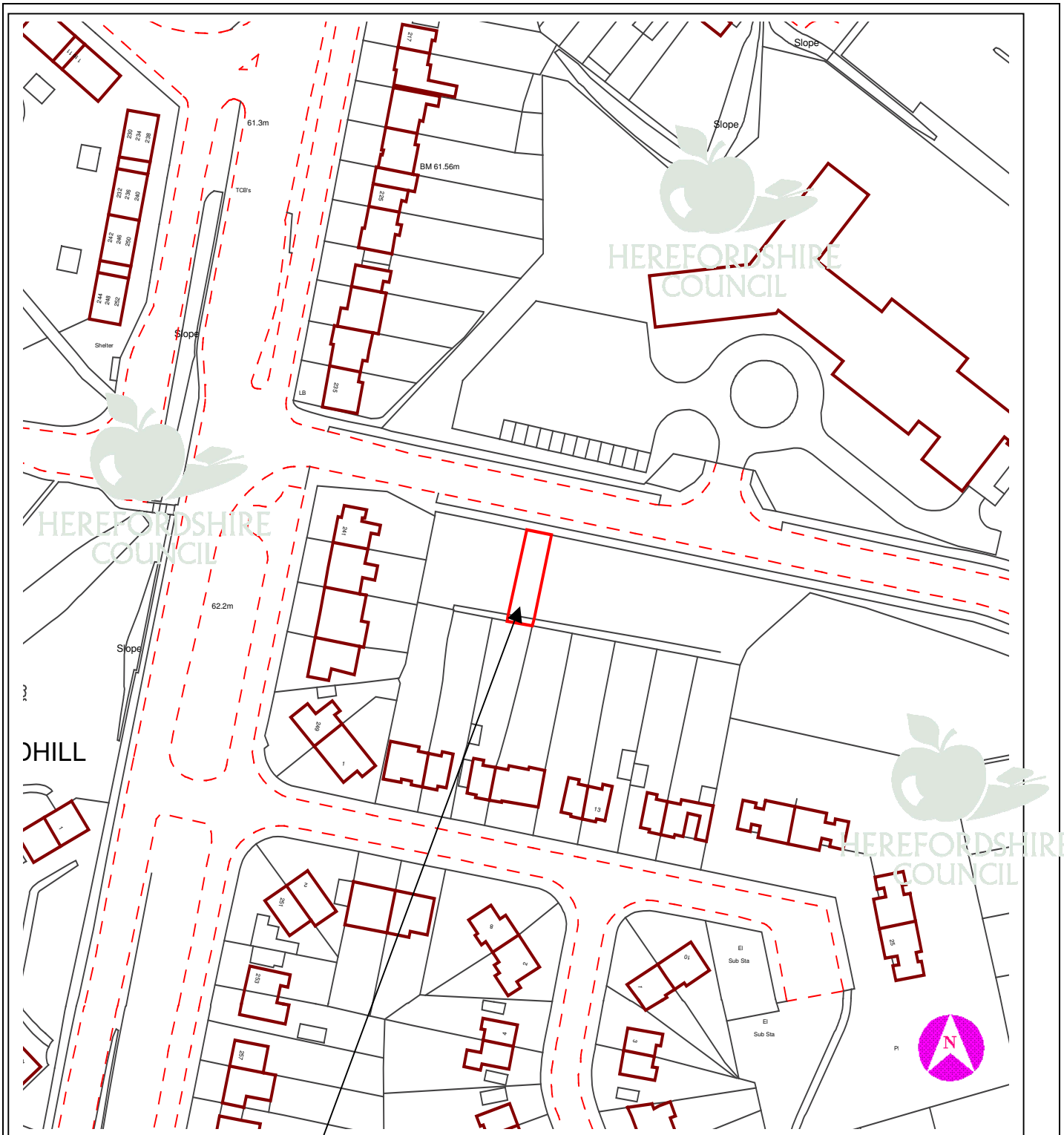
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2347/RM

SCALE : 1 : 1250

SITE ADDRESS : Former SAS Camp, Land off Bullingham Lane, Hereford, Herefordshire

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7 DCCE2006/1853/F - DEMOLITION OF EXISTING CAR SHOWROOM PREMISES AND ERECTION OF 5 ONE BEDROOM AND 3 TWO BEDROOM RESIDENTIAL DWELLING APARTMENTS. 92-94 ST OWENS STREET, HEREFORD, HEREFORDSHIRE, HR1 2QD

For: A.W. Marriot Ltd, Hook Mason, 11 Castle Street, Hereford, HR1 2NL

Date Received: 9th June, 2006

Ward: Central

Grid Ref: 51517, 39639

Expiry Date: 4th August, 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site is located on the southern side of St Owen Street just west of the junction with Grove Road and opposite Hereford Fire Station. The majority of the site is laid out to hardstanding with the exception of a small single storey flat roofed building within the centre of the site. The site is presently being used for the display and sale of second hand cars in association with the Peugeot Garage on the northern side of St Owen Street in the immediate locality. Ground levels rise by approximately a metre from St Owen Street into the site and the boundaries are presently enclosed by a 1.8 metre high timber close boarded fence. The site is largely enclosed and overlooked by existing residential properties to the south and east and The Victory public house lies to the west.
- 1.2 Planning permission is sought for the demolition of the existing building on site and the construction of five one bedroom and three two bedroom apartments constructed in two two-storey blocks along the eastern boundary of the site. A new single vehicular access with associated pavements is to be created off St Owen Street with the provision of eight parking spaces and associated turning area, cycle and bin store and ancillary landscaping.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H4	-	Residential roads
H7	-	Communal open space
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors
H22	-	Existing non-residential uses
H23	-	City centre residential accommodation
T11	-	Pedestrian provision
T12	-	Cyclist provision

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
E5	-	Safeguarding employment land
T6	-	Walking
T7	-	Cycling

3. Planning History

- 3.1 CE1999/1116/F - Proposed lighting of car sales area. Approved 3rd November, 1999.
- 3.2 HC970271AI - Non-illuminated fascia signs on internally illuminated pole sign. Advertisement consent approved.
- 3.3 HC960350PF - Demolition of all existing buildings, canopies and facilities, change of use and resurfacing of site as car sales area, erection of office building and 2 metre high fencing. Approved 2nd December, 1996.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: The access should be in the form of vehicular crossing rather than a radiused kerb to give pedestrian priority, and the access would remain private. Once this is amended, no objection subject to conditions concerning the access construction and parking provision.
- 4.3 Petrol and Explosives Officer: We have records that three underground fuel tanks were prepared for cement fill, however there is no confirmation that the infill had taken place by the main contractor. I advise that further investigations should be undertaken to establish that they are safe before commencement of any works which can be satisfactorily controlled by condition.
- 4.4 Environmental Health and Trading Standards Manager: A noise assessment should be undertaken and appropriate noise protection be provided to the dwellings. This can be dealt with by a suitable noise condition.
- 4.5 Environmental Health - Pollution Officer: The site was formerly a petrol filling station and therefore there is the potential for contamination from leaking underground fuel

tanks and accidental spillages on the forecourt etc. Due to the potentially contaminated use a contaminated land investigation should be required to ensure that the site is suitable for use. The development is for a number of apartments rather than houses with gardens i.e. the development is less sensitive and therefore less onerous to mitigate against contamination in respect of human health. It would be reasonable to condition the application to require a contaminated land assessment.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Hereford Civic Society and Mr Kenyan, the proprietor of The Spinning Dog Brewery. The main points raised are:

- I run a lively edge of city public house which has live music at weekends a large beer garden and external music speakers. The new proposed dwellings would be 15 feet from my beer garden and would be exposed to speakers and live music.
- My brewery is situated to the rear of the public house which on occasion emits smells although controlled and licensed by Herefordshire Council. I would not like to invite complaints from occupants of the properties as a result from noise or smells from the brewing process. If the development is built the properties should be sound insulated and triple glazed and made to pay for further sound insulation of the public house as may be required.
- The site involves the loss of employment land in the city centre.
- The proposal does not add to the street scene, appearance or amenities of this important approach to the city.
- This and other applications in the locality should be considered as a whole particularly with the wish of the fire station to relocate.
- The design and layout of the flats would not add to the quality of housing in this part of the city.
- Accommodation standards are poor and the layout results in awkward spaces that will be subject to vandalism.

5.3 A further letter of comment has been received from Mr. Chapman of 15 Grove Road, the comments as follows:

- Ground levels should be lowered to the historic level prior to the garage being demolished.
- There should be no access from the site through to the existing private footpath that runs round around the eastern and southern boundary.
- I query whether there is sufficient car parking to serve the units.

5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The site is designated within both the Local Plan and Unitary Development Plan as established residential but the site is presently being used for employment purposes (car sales) which policy E5 of the Unitary Development Plan seeks to protect. However, the current use of the site is not site specific the scheme offers general benefits to the amenity of the area. Furthermore, most of the main dealerships have now relocated to sites off Centurion Way, which is a more sustainable pattern of

development as it promotes linked trips. As such, the principle of the loss of the use of the site as a car sales area along with the demolition of the existing building, which is of no architectural merit is considered acceptable.

- 6.2 The apartments would be provided in two blocks of accommodation, each of a two-storey height constructed from a mixture of brick and render under hipped tiled roof. The main building will follow the existing building line on St Owen Street and is to be of similar scale and design to other properties in the locality with the exception that the roof space is also to be utilised to create a further apartment. A smaller unit is proposed to the rear of the site along the western boundary to create a further three apartments. Again, this is of a traditional design and is sited so as to minimise any loss of amenity for existing properties. The siting, scale, design and materials of the proposed development are therefore considered acceptable and will compliment the general character of existing development in the locality.
- 6.3 One parking space per unit is to be provided which is considered acceptable given the location of the site and the fact that the units are all of one or two bedroom in size. No private gardens are proposed but a small area of ancillary landscaping or communal garden is identified. Again, as the properties are apartments and located on the fringes of the city it is not considered necessary to provide individual gardens. Other matters such as possible contamination of the site, boundary treatments and site levels raised by consultees and neighbours can be satisfactorily addressed by conditions.
- 6.4 The owner of the local public house has also expressed concerns regarding possible impact of noise or smells for the occupants of the apartments. The Environmental Health Manager is satisfied that there should not be any unacceptable noise disturbance but has nevertheless requested a noise survey to be undertaken which is dealt with by condition. There are also no openings proposed on the elevations facing the public house or its beer garden and the apartments to the front of the site face St Owen Street which is a busy road. As such, subject to condition requiring appropriate noise mitigation to be incorporated in the construction of the apartments, it is not considered that the amenity of the future occupants would be adversely affected by existing businesses or activities in the locality.
- 6.5 Minor amendments to the layout to revise the access along with changes to some of the architectural detail have been requested and amended plans are awaited. Therefore, subject to receipt of satisfactory amended plans, the proposal is considered acceptable.

RECOMMENDATION:

Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

5. E02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality.

6. F01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area.

7. Prior to the commencement of development, a Method Statement and Risk Assessment for the safe decontamination and if necessary, removal of the underground tanks shall be submitted to and approved in writing by the local planning authority. Tanks shall be made safe or removed in accordance with the approved details prior to the commencement of any other works on site.

Reason: In the interests and protection of the environment and harm to human health and Public Health Act 1961 and Health and Safety at Work Act 1974.

8. W01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system.

9. W02 (No surface water to connect to public system).

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

10. W03 (No drainage run-off to public system).

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

11. F48 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

12. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a

conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination is removed or contained.

13. The Remediation Scheme, as approved pursuant to Condition 12 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure that potential contamination is removed or contained.

14. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

15. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

16. H11 (Parking - estate development (more than one house)).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

17. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informative:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC.

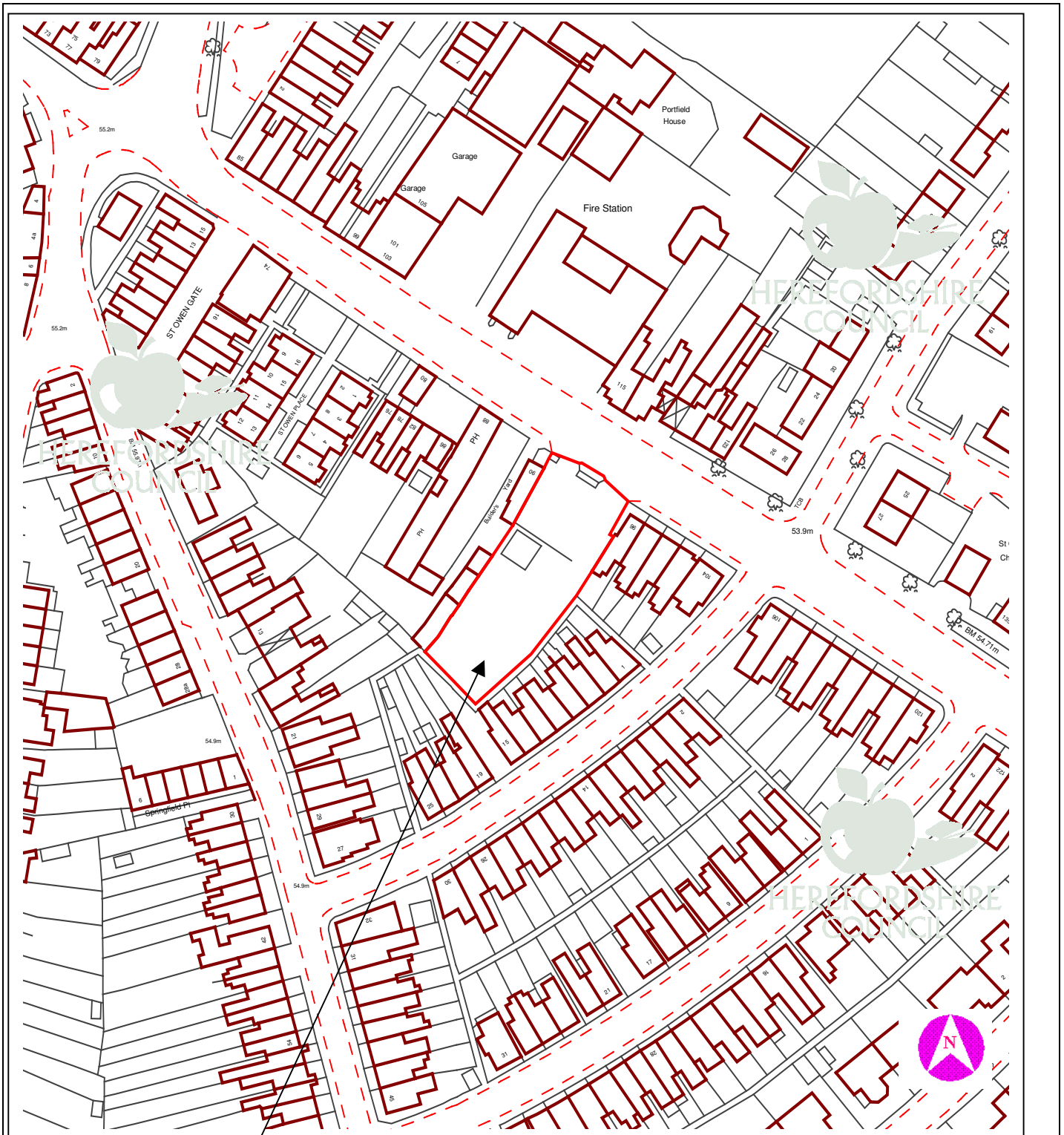
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/1853/F

SCALE : 1 : 1250

SITE ADDRESS : 92-94 St Owens Street, Hereford, Herefordshire, HR1 2QD

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8 DCCE2006/2336/F - REMOVAL OF PLANNING CONDITION 3 OF PLANNING PERMISSION DCCE2004/0568/F - REQUIRING NORTH FACING WINDOWS TO BE GLAZED WITH OBSCURED GLASS AND PERMANENTLY FIXED SHUT. HEREFORD SIXTH FORM COLLEGE, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LU

For: Hereford Sixth Form College, James Morris Associates, Stocks Tree Cottage, Kings Pyon, Herefordshire, HR4 8PT

Date Received: 20th July, 2006 Ward: Aylestone Grid Ref: 52257, 40708

Expiry Date: 14th September, 2006

Local Members: Councillors D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 This application seeks permission for the removal of condition 3 attached to Planning Permission DCCE2004/0568/F, approved on the 9th December, 2004. This permission was for the erection of a new building for teaching music, and alterations to adjacent structures. Condition 3 attached to this permission states:

'All windows/glazing panels in the north west facing (rear) elevation of the Music Building, any elevation of the curved roof over the existing single storey flat roof, and to the sides of the suspended new corridor shall be glazed with obscured glass and permanently fixed shut.'

The reason for the imposition of this condition was to safeguard the amenities of nearby residential properties. This application seeks the removal of this condition.

- 1.2 The building associated with the previous application has now been completed, although the approved suspended corridor has not been introduced and alterations to the single storey building to the north of the sports annex have not been undertaken. The new building is positioned amongst other college buildings. Clear glass and restricted opening windows have been installed in places across the first floor of the north west facing elevation. Of particular note are the three rooms at first floor level serving two classroom and a staff room/office. A store and male W/C also have openings in this elevation. It is principally on the basis of the classrooms rooms and staff room/office that the removal of the condition is essentially sought. To the north of the site are residential properties in Aylestone Grange.

2. Policies

- 2.1 Hereford Local Plan:

- ENV14 - Design
- H21 - Non-residential uses
- CON13 - Conservation areas – development proposals

2.2 Herefordshire UDP (Revised Deposit Draft):

- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- T11 - Parking provision
- HBA6 - New development within conservation areas

3. Planning History

- 3.1 CE2001/1687/F - Erection of two temporary classrooms. Approved 30th July, 2001.
- 3.2 CE2001/2153/F - Alterations to existing and construction of a new three storey main classroom block. Approved 6th November, 2001.
- 3.3 CE2002/0110/F - Gravelled area to allow car parking during construction of new developments on college campus - two year temporary permission. Approved 27th February, 2002.
- 3.4 CE2002/1387/F - Temporary permission for pre-fabricated classroom. Approved 1st July, 2002.
- 3.5 DCCE2004/0475/O - Partial redevelopment of college campus to provide new learning village. Approved subject to Section 106 agreement 7th April, 2004.
- 3.6 DCCE2004/0859/F - Retention of gravelled area to allow staff car parking during construction of new developments on college campus. Approved 28th April, 2004.
- 3.7 DCCE2004/0568/F – Construction of new detached building for teaching music plus associated activities, together with curved roof extension over existing single storey building, and new covered corridor link. Approved 9th December, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
- 4.3 Conservation Manager - No response received.
- 4.4 Education - No objection.
- 4.5 Head of Environmental Health and Trading Standards: Comments awaited.

5. Representations

- 5.1 Hereford City Parish Council - No objection.
- 5.2 Local Residents – A letter of objection has been received from J & C Hutchinson of Collingwood (number 3), Aylestone Grange. The objections raised and relevant to this application can be summarised as follows:
1. The windows will directly face into two bedrooms and the privacy of the rooms would be reduced;
 2. The toilet windows should remain opaque.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The issue in the case of this application is the impact of the removal of Condition 3, originally imposed in the interests of preserving the residential amenities of the locality. Clearly the use of this building for music teaching and associated activities has, associated with it, the potential for noise disturbance and the relatively close proximity of the dwellings in Aylestone Grange is of note. Additionally, parts of the approved proposal, particularly the suspended corridor and alterations to the building found to the north of the sport annex, have overlooking and privacy implications associated with them. The justification for imposing this condition is therefore considered to be sound. In the case of this application, however, it is significant that although the applicant seeks the removal of Condition 3, only three 'used' rooms, a W/C, and a store are actually proposed in the revisions.
- 6.2 At first floor level there are two classrooms and a staff office with north facing openings. It is these rooms that have been fitted with clear glass and restricted opening windows and it is principally on the basis of these three rooms that the removal of the condition is requested. The use of these three rooms as classrooms and staff room/office is not considered to be of concern in relation to residential amenities. These openings are approximately 25 metres from the site boundary and 45 metres from the closest dwelling. These distances are ample to ensure that the implications upon overlooking and associated loss of privacy are acceptable for the dwellings within Aylestone Grange. With respect to noise, it is considered that the use of the classrooms and staff room/office will result only in the level of noise typically associated with a classroom in a school or college and are not significantly closer to neighbouring properties than other classrooms within the compound. The store area is not of concern and the male W/C window openings are not considered to have amenity implications, subject to the retention of obscure glazing.
- 6.3 On the basis of the above it is considered appropriate to vary condition 3 to allow for the retention of the clear glass and restricted opening windows for the rooms in question, on the basis of the retention the three principal rooms for non-practical teaching classroom/office purposes. There is merit in retaining the condition in other respects on the basis of the potential harmful implications of allowing noisier activities.

RECOMMENDATION:

That subject to no objection being received from the Environmental Health and Trading Standards Manager, planning permission is granted, with an amended description to vary Condition 3 only, subject to the following conditions:

- 1. Within 2 months of the date of this permission full details of all the first floor windows in the north west facing elevation, including the nature of their restricted opening mechanism, shall be submitted to an agreed in writing by the Local Planning Authority. The windows shall then be retained and maintained in accordance with the agreed details and not replaced or altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality

- 2. The use of the three principal rooms identified in the approved plan shall be retained for non-practical teaching purposes the specific type of which shall be approved in writing by the local planning authority within 2 months of the date of this permission and/or staff room office use only.

Reason: To safeguard the amenities of the locality

- 3. The permission hereby granted is an amendment to Condition 3 attached to planning permission DCCE2004/0568/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

Informative:

- 1. N15 (Reasons for Grant of Planning Permission)

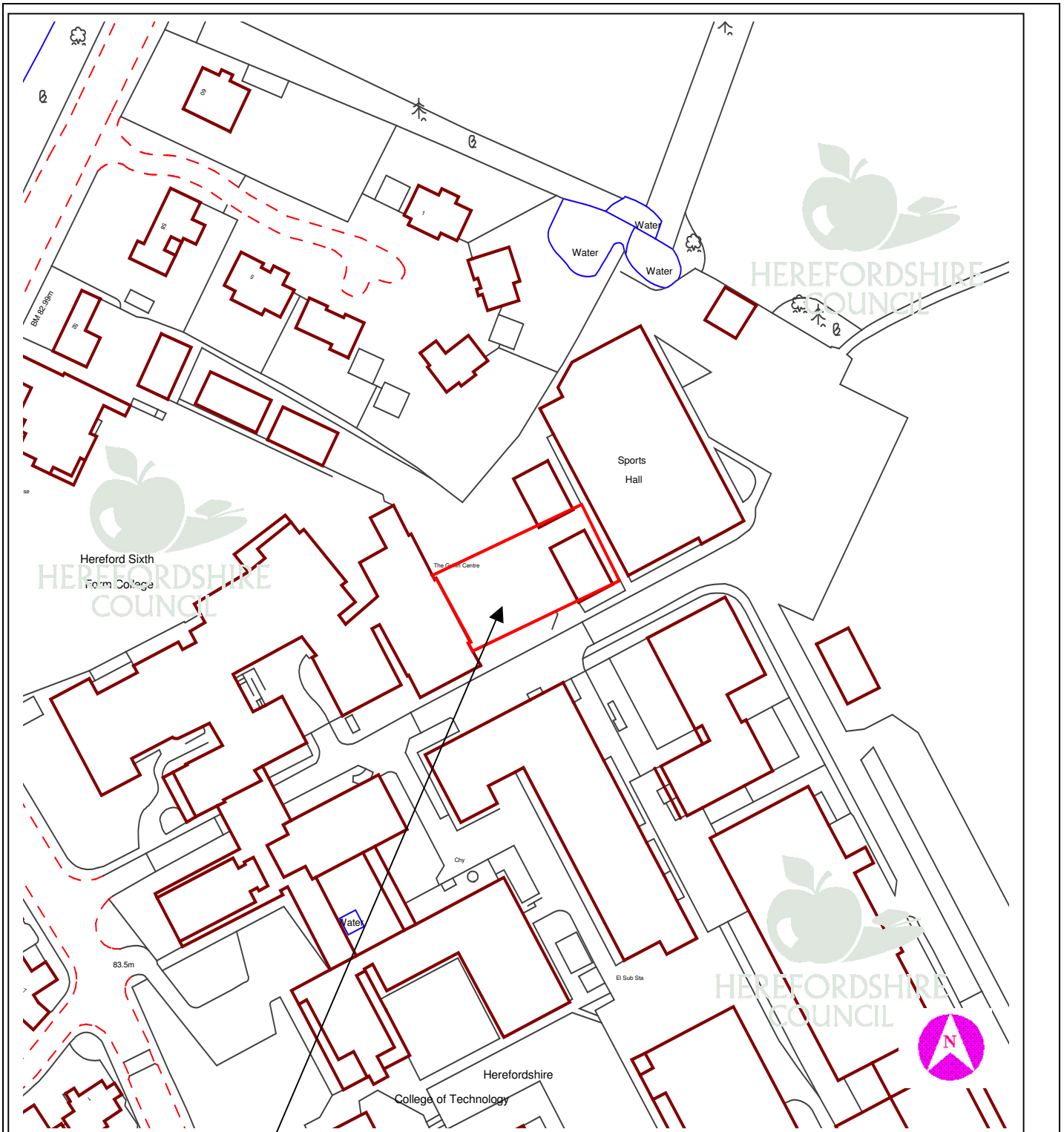
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2336/F

SCALE : 1 : 1250

SITE ADDRESS : Hereford Sixth Form College, Folly Lane, Hereford, Herefordshire, HR1 1LU

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**9 DCCE2006/2001/F - VARIATION OF CONDITION 3
PLANNING PERMISSION CE2004/4148/F. TO EXTEND
OPENING HOURS. THE TRADITIONAL, 139 QUARRY
ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SX**

**For: Mrs. S. Humphries, 61 Huntsmans Drive, Kings
Acre, Hereford, HT4 0PN**

Date Received: 29th June, 2006 Ward: Tupsley Grid Ref: 52428, 40033

Expiry Date: 24th August, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs E.A. Taylor and W.J. Walling

1. Site Description and Proposal

1.1 This application seeks permission to vary Condition 3 of planning permission DCCE2004/4148/F, approved on the 9th March, 2005. This previous application secured permission for the change of use of a vacant health centre (Use Class D1) into a takeaway fish and chip shop (Use Class A5 under the provisions of the new Use Classes Order 2005) retaining the residential accommodation at first floor. Condition 3 attached to this permission restricted opening hours as follows:

'The use hereby permitted shall not be open to customers between 9.45pm and 11.30am or 1.45pm and 4.45pm on Mondays to Fridays; 9.45pm and 12.00pm on Saturdays and at no time on Sundays.'

The condition was attached to safeguard the amenities of the locality. This application seeks to vary this restriction to allow opening hours as follows:

- Monday: 4.45pm – 9:45pm
- Tue - Fri: 12:15pm – 9:45pm
- Sat/Sun arrangements unchanged.

1.2 The application site is located in a prominent position close to the junction of Ledbury Road and Quarry Road and forms the end unit in a small parade of retail units, all of which have residential accommodation over. A lay-by parking area serving the parade of shops is found to front of the parade. The site forms part of a designated Local Shopping Centre with the surrounding area being an Established Residential Area.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

CTC9 - Development Requirements

2.2 Hereford Local Plan:

H12 - Established residential areas – character and amenity
H21 - Compatibility of non-residential uses
S13 - Local shopping centres

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
DR2	-	Land use and activity
TCR13	-	Local and neighbourhood shopping centres
TCR15	-	Hot food takeaway outlets
T11	-	Parking provision

3. Planning History

- 3.1 CE1999/2179/F - Change of use of ground floor shop to A3 hot food takeaway. First floor to remain in residential use. Refused 22nd September, 1999.
- 3.2 CE2000/3342/F - Change of use of ground floor to natural health centre. Approved 6th February, 2001.
- 3.3 CE2004/4168/F - Change of use of building from a health centre to a fish and chip shop. Refused 1st November, 2004.
- 3.4 CE2005/4168/F - Change of use of building from a health centre to a fish and chip shop. Approved 9th March, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Environmental Health and Trading Standards Manager: I have considered the proposed extension of opening times and it is my opinion that this will not result in any significant increase in any odours experienced nor disturbance to neighbours.
- 4.3 The Traffic Manager: No objection to the grant of planning permission.

5. Representations

- 5.1 Hereford City Parish Council: No objection.
- 5.2 Local Residents: Five letters of objection have been received from the following sources:
- Mr. R. Darke, 142 Quarry Road
 - Mr. D. Harbour, 180 Quarry Road
 - Mrs. P. M. Williams, 182 Quarry Road
 - K. and K. Prosser, 170 Ledbury Road
 - S. Anderson, 178 Ledbury Road

The comments raised can be summarised as follows:

1. The shop would be open at the time of day when school children are walking home, encouraging unhealthy eating.

2. The parking and access arrangements are completely unacceptable.
3. The cooking smells and noise (from the extraction unit) are completely unacceptable and significantly adversely impact upon the residential amenities of neighbouring properties.
4. The hours will increase the regularity of noise and nuisance caused by staff taking breaks to the rear of the unit.
5. The altered hours will increase litter and untidiness.
6. The previous condition ensured that the shop was closed between 1.45pm and 4.45pm which was sensible as this is the busiest and most hazardous time of the day with regards to children and traffic. I also means the shop is closed as children walk home from school, reducing their accumulation.

6. Officers Appraisal

- 6.1 In this instance the start point is the extant permission and its associated restrictions, which establish the principle of the use of this premise as a fish and chip shop. The assessment of this proposal must therefore be based upon the implications of the variation of opening hours only, rather than concerns over the actual existence of the unit.
- 6.2 The proposed change to the restrictive condition will have the effect of allowing the unit to open through the afternoon where previously the unit would be closed between 1.45pm and 4.45pm weekdays. The unit would, however, open 45 minutes later on a weekday morning, and be closed on a Monday until 4.45pm. The unit is not proposed to be open later in the evening.
- 6.3 Having regard to the proposed changes noted above it is considered that the activities associated with this unit are unlikely to alter significantly from that currently permitted. The unit is currently open over what would be considered a lunchtime, and it is doubtful that youths/children are likely to cause greater disturbance walking home from school and calling into the unit, than if they either go home and then return, or indeed if they loiter awaiting the opening of the unit. The opening of the unit throughout the afternoon is more likely to reduce actual activity levels to a lower level over a longer period, compared to the current high concentration of activity within a short time period.
- 6.4 On balance it is not considered that the amenity issues associated with the variation of the condition in question are of such concern that a refusal of planning permission would be sustainable.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

- 1, **A01 (Time limit for commencement).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

2. **The use hereby permitted shall only be open to customers between 4.45pm and 9.45pm on Mondays; 12.15pm and 9.45am Tuesday to Fridays; 12.00pm and 9.45pm on Saturdays and at no time on Sundays.**

Reason: To safeguard the amenities of the locality.

- 3. The permission hereby granted is an amendment to planning permission DCCE2004/4168/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.

Reason: For the avoidance of doubt.

Informatives:

- 1. N03 (Adjoining property rights).
- 2. N15 (Reasons for the grant of permission).

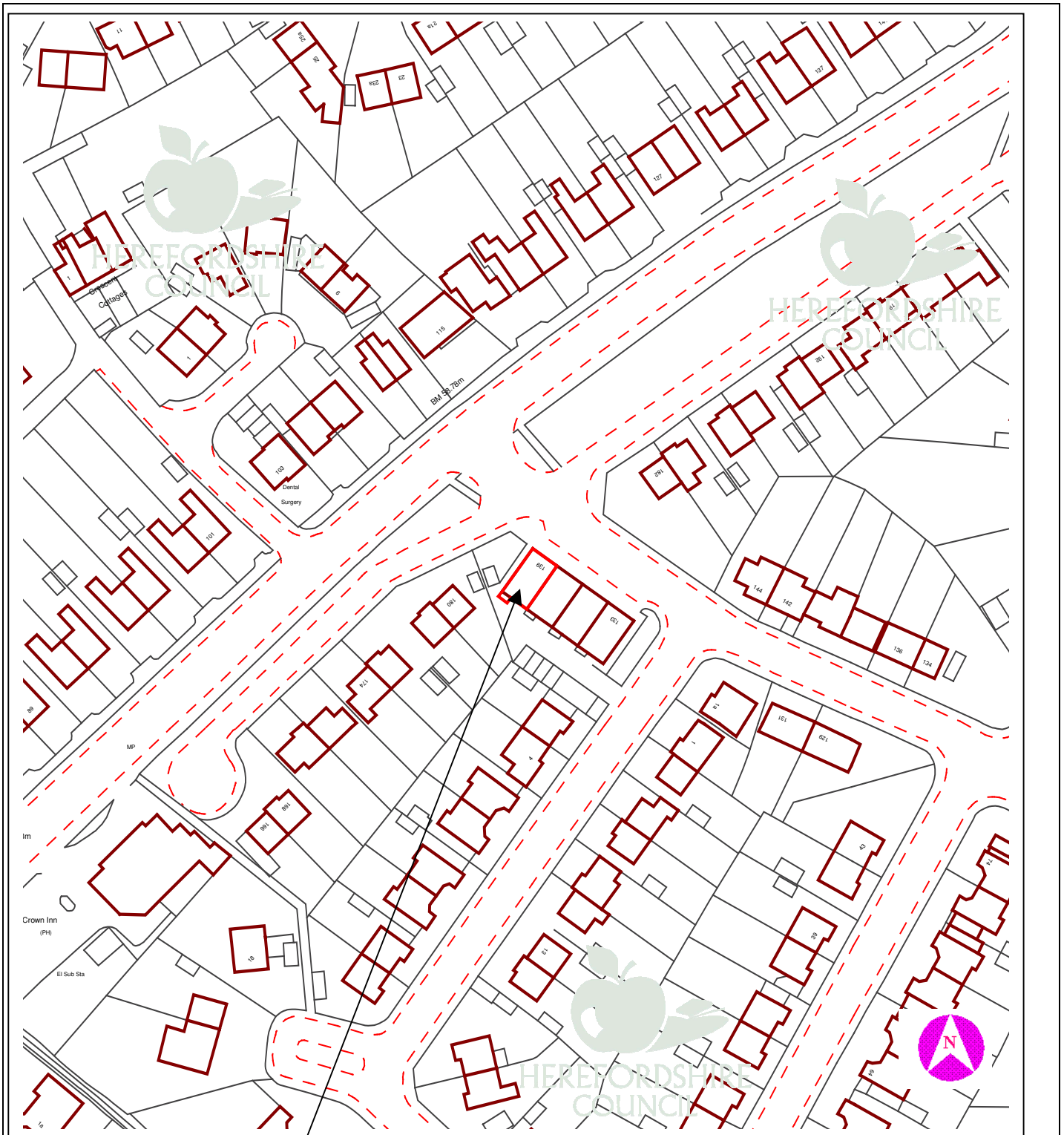
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2001/F

SCALE : 1 : 1250

SITE ADDRESS : The Traditional, 139 Quarry Road, Hereford, Herefordshire, HR1 1SX

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**10 DCCE2006/2099/F - ERECTION OF BUNGALOW.
LAND AT 61 HAMPTON PARK ROAD, HEREFORD,
HEREFORDSHIRE, HR1 1TJ**

**For: Mr. G. Rogers, Balfours, Windsor House, Windsor
Place, Shrewsbury, Shropshire, SY1 2BZ**

Date Received: 26th June, 2006 Ward: Tupsley Grid Ref: 53030, 39274

Expiry Date: 21st August, 2006

Local Members: Councillors Mrs. M.D. Lloyd-Hayes, Mrs. E.A. Taylor and W.J. Walling

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of a dormer bungalow on land to the north of 61 Hampton Park Road, Hereford. The application site itself is located on the western side of Old Eign Hill, to the north of the junction with Hampton Park Road. The site area currently forms an area of garden associated with 61 Hampton Park Road. The northern and eastern boundaries are enclosed by a mature evergreen hedge and a close boarded fence exists along the western boundary. The application site lies within the Established Residential Area of Hereford as defined in both the adopted Hereford Local Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). The site also falls within the designated Hampton Park Conservation Area.
- 1.2 This application represents the third for a dwelling on this site. An Outline application (DCCE2005/3114/O) was first submitted in September 2005 and subsequently withdrawn. A subsequent full planning application (DCCE2005/4026/F) was received at the end of 2005 and ultimately secured planning permission subject to conditions. This application secured permission for a two bedroom bungalow with detached single car garage. Permission is now sought for a dormer bungalow to facilitate the creation of habitable space at first floor level, served by a dormer window in the front, east facing elevation, and a velux opening in the rear, west facing elevation. The existing vehicular access would be shared to provide access for both the existing and proposed properties in a similar manner to that approved in the previous scheme.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of New Residential Development
Policy H6	-	Amenity Open Space Provision in Smaller Schemes
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H13	-	Established Residential Areas – Loss of Features
Policy H14	-	Established Residential Areas – Site Factors
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H3	-	Managing the Release of Housing Land
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking
Policy HBA6	-	New Development Within Conservation Areas

3. Planning History

- 3.1 DCCE2005/4026/F Proposed detached bungalow. Approved 7th March, 2006.
- 3.2 DCCE2005/3114/O Proposed detached dwelling. Application Withdrawn 27th October, 2005.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raised an initial objection to the proposed parking, manoeuvring, and access arrangements. The Agent has confirmed their intention to revise these in accordance with the previously approved scheme.
- 4.3 Conservation Manager: Noted that the broadly 'arts and crafts' architectural styling is somewhat later than the majority of the properties within the key areas of the Hampton Park Conservation Area, but also stated that the proposal represented an improvement on the previously approved scheme. No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: No response.
- 5.2 Conservation Advisory Panel: 'Missed opportunity'
- 5.3 Local Residents: Six letter of objection has been received from the following sources:
- Mr. and Mrs. Chapman, The Hollies, Old Eign Hill (x2)
 - Julia Grant-Jones, 135 Old Eign Hill
 - Michael and Jean Franzen, 114 Old Eign Hill
 - Mr. and Mrs. Starling, 131 Old Eign Hill
 - Mr. and Mrs. Davies, 59 Hampton Park Road.

The comments raised can be summarised as follows:

1. The frontage is forward of the building line spoiling the look of Old Eign Hill, the road is currently open at the front of all properties;
2. Potential for the setting of a precedent allowing front extensions to other properties on Old Eign Hill;
3. The proposal will look out of place;
4. The proposal will degrade views;
5. Loss of an attractive green space;
6. The proposal was previously restricted to two bedrooms, the current proposal can easily be reorganised to create a three bedroom property;
7. The boundary wall and its foundations on the northern boundary do not belong to the application site and their width should be excluded from any measurements;
8. The proposal involves a chimney. This is too close to the boundary with potential for smoke and smells;
9. Having regard to boundary concerns a specific restriction was imposed upon building within 3 metres of the northern boundary;
10. The height of the building has been substantially increased, degrading views;
11. Concerns over drainage arrangements;
12. The hedging will not screen the site and dwelling effectively;
13. The hedging must be retained to the front of the site at its current height, as with the previous scheme, in the interests of the visual amenities of the locality;
14. The introduction of the dormer opening will result in a loss of privacy and inter-visibility issues to the east;
15. The proposal is closer to the eastern and northern boundaries, forward of the building line, to the detriment of the amenities of the locality and those of neighbouring properties;
16. The dwelling proposed is not small and will be visible in the street scene, contrary to the suggestions of the agent in their supporting statement;
17. The 7.5 metre distance from the western boundary fence, if accurate, is acceptable [to the occupiers of number 59 Hampton Park Road] but a reduced distance would be unacceptable;
18. The 'velux' window proposed should be obscure glazed and fixed shut in the interests of residential amenities.

In relation to point (9) above it is advised that although the siting of the previous proposal may have been informed by the relationship of the proposal to neighbouring properties, no condition was attached to the planning permission preventing building within 3 metres of the boundary to the north.

5.4 The Agent has, on behalf of the applicant, submitted a supporting statement with this application, the relevant points are summarised as follows:

1. The pre-application enquiry into this site indicated the acceptability of a modestly sized property;
2. If there is a character in this area it stems from the lack of uniformity;
3. The design and scale of this proposal has been informed by planning policy;
4. The proposal provides a positive relationship between the 'old' and 'new' areas of housing;
5. A coherent street frontage will be created, supported by the retention of the hedgerow;

6. The design, materials, and size of this proposal have been informed by the adjacent dwellings and general street scene;
 7. The original design '*whilst dismal and uninspired*' did relate to the existing housing near on Old Eign Hill, however, the Local Authority is looking to raise the quality of the design and acknowledge the setting;
 8. The area is not sensitive, having regard to the varied character of the area and modern development, this is a robust street scene;
 9. The original character and appearance of the street scene has been diluted to the north and east by newer development. This modern development is of little architectural merit and relates in no appreciable way to the original core of substantial villas;
 10. The proposal will allow for a more acceptable transition between the openness of Old Eign Hill and the sense of enclosure on Old Eign Hill;
 11. The proposal is of a more acceptable design to that of the approved scheme;
 12. The proposal will not be detrimental to the character and appearance of the Conservation Area;
 13. The proposal remains a modest bungalow.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

Principle

- 6.1 As with the previous application it is advised that the site lies within an Established Residential Area as designated in both the adopted Hereford Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft) where the principle of new residential development is acceptable subject to Conservation Area, highway and amenity considerations. It is further the case that the start point for the consideration of this proposal is the extant permission on this site (DCCE2005/4026/F).

Design and Scale

- 6.2 The proposed property essentially remains a modest predominantly single storey dwelling with two bedrooms identified. A dormer window is now included and the introduction of habitable space at first floor level results in an increase in height of 1.8 metres, bringing the ridge height up to 6.3 metres from 4.3 metres. The proposal is also 0.9 metres deeper to that of the approved dwelling. The locality is characterised by two storey properties but the characteristics of the site are such that a modest bungalow style property is considered appropriate. Although this property is larger than that of the approved scheme, it is still considered that the scale is acceptable for this location with the dormer bungalow appearance would be appropriate for the site characteristics. The design of the proposal is perhaps more accurately reflective of the inter-war period, as opposed to the original 'arts and crafts' style. The design is a significant improvement over the previous proposal which involved a bland and essentially characterless modern property. Although the proposed design is not in itself considered to be of any exceptional merit, it does represent an improvement.

Residential Amenities

- 6.3 The proposed development is now 2 metres from the northern site boundary, compared to 3.5 metres as approved, and two metres from the eastern boundary,

compared to 6 metres as approved. The distance from the western boundary is increased however, from 5 metres to approximately 7.5 metres. Having regard to this re-siting it is considered that impact upon the closest dwelling to the north west, number 114 Old Eign Hill, will be similar to the approved scheme with the dwelling. The dwelling is, of course, higher but the distance between these properties would be increased from approximately 8 metres to approximately 11 metres at the closest point. It is also the case that the dwelling design is changed from being gable ended, to hipped, ensuring that the implications of the height increase are minimised. A fixed and obscure glazed rooflight is the sole opening at first floor level ensuring that no loss of privacy will result. Turning to the east, the dwellings on the eastern side of Old Eign Hill are, at the very closest point, 20 metres away. This is considered ample distance in a suburban location. Notwithstanding the above, and in recognition of the relationship with other properties. Permitted Development Rights are proposed to be removed and new openings restricted to ensure effective protection of residential amenities in perpetuity.

Visual Amenities and Conservation Area Impact

- 6.4 The increased size of this dwelling and the reduced proximity to the eastern boundary will clearly increase the prominence of the proposed dwelling within both the street scene and the Conservation Area. The Conservation Manager notes that the design proposed is later than that found within the 'core' of the Hampton Park Conservation Area, but it is also recognised that the dwellings to the east and north east are modern 20th Century infill with no significant architectural merit. The proposed dwelling will be something of a contrast with the neighbouring dwelling, but will be of some interest architecturally in the context of the transitional nature of this site, linking the 'historic core' of the Conservation Area with the modern development in this locality. The boundary hedge would be retained and this is considered to be important to the impact of the proposal. A condition will ensure the retention of this feature. The proposal is therefore more prominent within the street scene, but with a more noteworthy design. On balance it is considered that the character and appearance of the Conservation Area, and the visual amenities of the locality, will be preserved through this development.

Highways

- 6.5 As originally submitted the scheme received an objection from the Traffic Manager in relation to the access, parking, and manoeuvring arrangements. It is significant, however, that on the previous scheme the Traffic Manager was satisfied with the access arrangements subject to conditions concerning vehicle parking, manoeuvring, visibility splays and surfacing. On this basis a revised scheme based upon the approved arrangements has been requested.

Other Issues

- 6.7 The location of the neighbour's foul drain is currently being investigated by the applicant but ultimately, this is a civil matter and other concerns expressed such as the impact on a view are not a material planning consideration.

RECOMMENDATION:

Subject to the receipt of a plan detailing acceptable access, parking, and manoeuvring details, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

4. **G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

5. **H05 (Access gates).**

Reason: In the interests of highway safety.

6. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

7. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

8. **H03 (Visibility splays).**

Reason: In the interests of highway safety.

9. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

10. **E16 (Removal of permitted development rights).**

Reason: To enable the local planning authority to maintain control of any future developments within the curtilage in the interests of residential amenity and the character and appearance of the Conservation Area.

11. **E18 (No new windows in specified elevation).**

Reason: In order to protect the residential amenity of adjacent properties.

- 12. **E19 (Obscure glazing to windows and non-opening).**

Reason: In order to protect the residential amenity of adjacent properties.

- 13. **Foul water and surface water discharges must be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 14. **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 15. **No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informatives:

- 1. **HN05 - Works within the highway.**
- 2. **HN10 - No drainage to discharge to highway.**
- 3. **The applicant is advised that a foul drainage pipe may cross the application site.**
- 4. **N15 - Reason for the Grant of Planning Permission.**

Or:

If an acceptable submission relating to the highways issues is not received then the Officers named in the Scheme of Delegation to Officers be authorised to refuse the application on the grounds of highway safety.

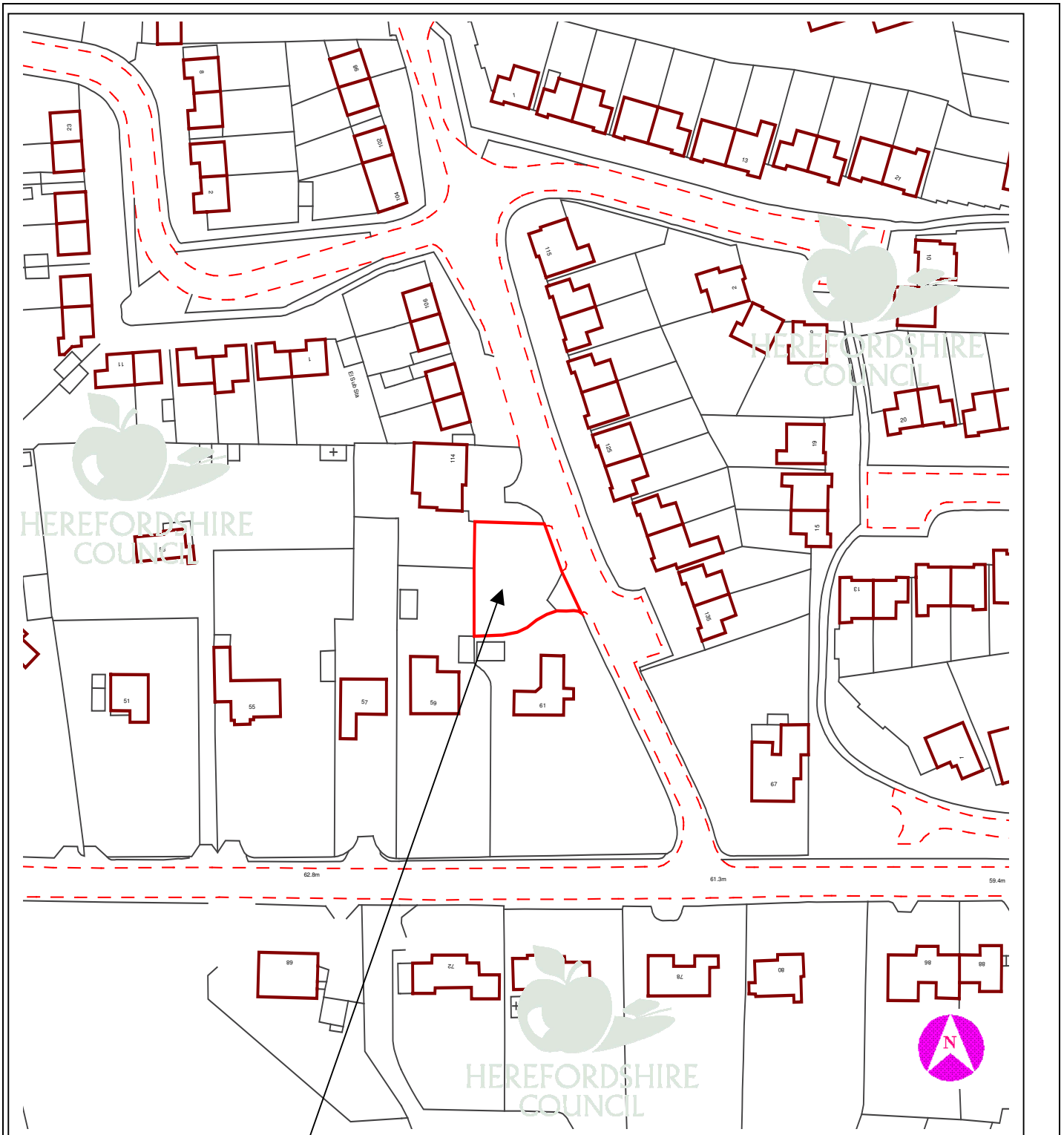
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2099/F

SCALE : 1 : 1250

SITE ADDRESS : Land at 61 Hampton Park Road, Hereford, Herefordshire, HR1 1TJ

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11 DCCW2006/2012/F - CONVERSION TO 4 DWELLINGS IN LIEU OF 2 DWELLINGS AS APPROVED 25/08/04 APPLICATION NO. DCCW2004/1701/F AT THE PLOUGH INN, CANON PYON, HEREFORDSHIRE, HR4 8NU

For: CD Developments Ltd. per Mr. A. Last, Brookside Cottage, Knapton Green, Herefordshire, HR4 8ER

Date Received: 21st June, 2006 Ward: Wormsley Ridge Grid Ref: 46316, 48674

Expiry Date: 16th August, 2006

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 The application site is comprised of a former public house and grounds located on the western side of the A4110 within the designated settlement boundary of Canon Pyon. The site has the benefit of planning permission to convert the original building to two self-contained residential units and erect a total of four new dwellings within the curtilage to the rear. (DCCW2004/1704/F refers).
- 1.2 This planning permission has been implemented and the new dwellings having been erected with some now being occupied.
- 1.3 The present application seeks consent to convert the original building into four 2 bedroom units as a variation to planning permission DCCW2004/1701/F, which permitted its conversion into two 4 bedroom units.

2. Policies

2.1 Leominster District Local Plan:

Policy A1	-	Managing the District's Assets and Resources
Policy A2	-	Settlement Hierarchy
Policy A23	-	Creating Identity and an Attractive Built Environment
Policy A24	-	Scale and Character of Development
Policy A70	-	Accommodating Traffic from Development
Policy A71	-	Vehicle Parking Standards for Development away from Central Shopping and Commercial Areas and Conservation Areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density

Policy H16 - Car Parking

3. Planning History

3. 194/0361 Site for four dwellings. Refused 23rd August, 1994.
- 3.2 95/0569/O New access, two dwellings and revised car park layout. Approved 19th October, 1995.
- 3.3 98/0668/O New access, two dwellings and revised car park layout. Approved 20th January, 1999.
- 3.4 NW2000/1800/F 2 no. four bedroomed houses with garages. Approved 1st November, 2000.
- 3.5 CW2003/1547/F Change of use from public house to private dwelling. Alterations and extensions to convert existing building into two units and erection of three units. Refused 20th August, 2003.
- 3.6 DCCW2004/1701/F Change of use from public house to private dwelling. Alterations and extensions to convert the existing building into two units and the erection of two additional units. Approved 24th August, 2004.
- 3.7 DCCW2004/1703/F Change of use of existing car park to residential use and for the erection of two dwellings and associated covered and uncovered parking. Approved 25th August, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

5. Representations

- 5.1 Canon Pyon Parish Council: Objection summarised as, the provision of an extra two units is overdevelopment, which would be out of keeping with the wider settlement and highway safety would be compromised by the intensified use of the access.
- 5.2 Five letters of objection have been received from Mr. Williams, Canon Pyon Post Office; Mr. Moseley, Langdale House; Mr. Owen, The Cider House; Mr. Thurlow, Rose Cottage and Mr. Martin, The Villa, which are summarised as follows:
- Highway safety issues arising from additional traffic entering and leaving the site.
 - Inadequate on-site parking provision.

- Proposal will give rise to additional parking on the public highway, particularly on the service road in front of the village store.
 - Noise and disruption during the conversion phase.
- 5.3 Two letters of support have been received from Mrs. V. Santillo, 5 Valentine Court and Miss L. Santillo, 81 Stanhope Street, Hereford, which are summarised as follows:
- The proposal will provide lower cost housing, which may help young people to stay in the village.
 - The volume of traffic using the property has reduced following the closure of the public house.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site is identified within the settlement boundary of Canon Pyon in both the Leominster District Local Plan and the emerging Herefordshire Unitary Development Plan, whereby policy allows for new residential development in principle.
- 6.2 The proposal to convert the former public house into four self-contained units offers a limited increase in the number of units over and above the approved scheme, which permitted the creation of two units.
- 6.3 Therefore having regard for the relevant policies, the primary issues in determining this application are considered to be:
- The impact of the proposed additional dwellings on amenity of the wider locality.
 - Access and highways issues.

Visual and Residential Amenity

- 6.4 The extant planning permission to convert the original building permitted first floor extensions on the southern flank and the rear elevations.
- 6.5 The present proposal seeks to enlarge the approved extension by adding a further first floor element incorporating two dormer windows in between the two gable ended extensions already approved.
- 6.6 Each of the four units will provide an acceptable standard of habitable accommodation, served by private rear gardens, as well as having access to the communal courtyard.
- 6.7 Although the comments of the Parish Council are noted, the proposal to create two additional units is not considered to give rise to cramming or over development of the site, as there will be no increase in the total number of bedrooms.
- 6.8 Consequently it is not considered that the proposal will give rise to any harm to the visual or residential amenity of the wider locality when measured against the

development already approved. A condition restricting the hours during which construction could take place would be included.

Highway Safety

- 6.9 The property is served by an existing vehicular access leading into a courtyard off which allocated parking for each of the existing residential units are located. In addition there is a central area for visitor parking and there is capacity within the site to provide sufficient parking to serve the proposed development.
- 6.10 Although it is noted that most of the letters of objection focussed on highway issues, the Traffic Manager has raised no concern about the proposed development. The concerns about parking on the adjacent highway and in front of the village shop are noted but since the parking provision within the site is satisfactory these local concerns could not be substantiated as grounds for refusal.

Conclusion

- 6.11 Overall the proposal complies with the relevant policies in the Local Plan and as such approval is recommended.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A10 (Amendment to existing permission).**

Reason: For the avoidance of doubt.

3. **A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

4. **H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

1. **N01 - Access for all.**
2. **N15 - Reason(s) for the Grant of Planning Permission.**

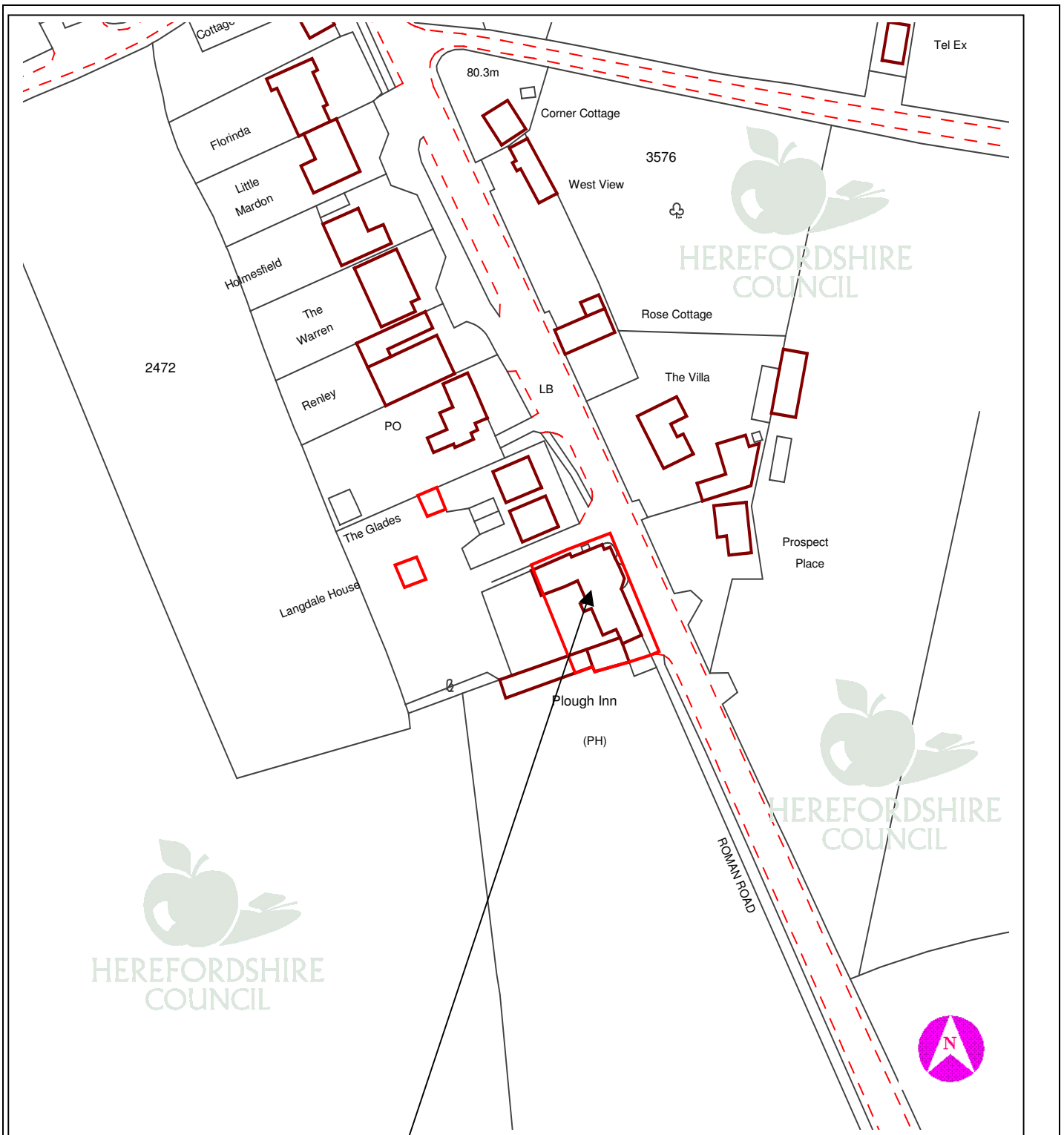
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2012/F

SCALE : 1 : 1250

SITE ADDRESS : The Plough Inn, Canon Pyon, Herefordshire, HR4 8NU

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Further information on the subject of this report is available from Mr. P.G. Clasby on 01432 261947

12 DCCW2006/2231/F - ERECTION OF 5 NO. NEW APARTMENTS TO COMPRISE 3 NO. 2 BED AND 2 NO. 1 BED DWELLINGS AT 43 KINGS ACRE ROAD, HEREFORD, HR4 0QL

For: Inhabit DDM Ltd. per RRA Architects Ltd., Packers House, 25 West Street, Hereford, HR4 0BX

Date Received: 7th July, 2006 **Ward: St. Nicholas** **Grid Ref: 49005, 40788**

Expiry Date: 1st September, 2006

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

1. Site Description and Proposal

- 1.1 The application site is comprised of the eastern half of a large domestic curtilage which presently serves 43 Kings Acre Road within an established area on the western side of Hereford.
- 1.2 The wider area is generally characterised by large two storey detached and semi-detached dwellings with no overall defining architectural style with properties ranging from interwar through to more modern estate type housing. Visually the wide verges and mature public and private landscaping give the appearance of a spacious boulevard which screens views of the dwellings which are generally set well back from the highway, along this particular section of Kings Acre Road.
- 1.3 The application seeks consent to erect a purpose built block containing five residential flats within the subdivided curtilage.
- 1.4 The proposed development is of a contemporary modern design with rendered and timber clad elevations beneath a stepped flat roof with a maximum overall height of 7.8 metres.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of New Residential Development
Policy H12	-	Established Residential Areas – Character and Amenity
Policy H14	-	Established Residential Areas – Site Factors

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H15	-	Density

3. Planning History

- 3.1 SC980977PF Conversion of existing dwelling into four self contained flats. Approved 22nd January, 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection, subject to the imposition of standard sewerage conditions.

Internal Council Advice

- 4.2 Traffic Manager: Has no objection, subject to the imposition of standard conditions.
- 4.3 Conservation Manager: Has no objection, subject to the imposition of standard conditions.

5. Representations

- 5.1 Hereford City Council: Request that this application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council also makes the following additional representations: recommends refusal on the ground that proposed design is out of keeping with the established street scene.

- 5.2 Seventeen letters of objection have been received, which are summarised as follows:

- Flat roof is inappropriate to the character of the area.
- Potential for overlooking and loss of privacy.
- Highway safety issues arising from additional traffic entering and leaving the site.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Having regard for the relevant policies, the primacy issues in determining this application are considered to be:

- The Principle of Development.
- Design and the Impact of the Proposed Development on Amenity of the Established Residential Area.
- Highway Safety.

Principle of Development

- 6.2 The application site lies within an Established Residential Area. The adopted and emerging plan policies recognize that there is scope for further appropriate residential

development within these areas, providing that the character and appearance of the area is not adversely affected by the proposed development. Therefore the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Amenity

- 6.3 The application proposes a modern design with simple elevations, which are clad with a combination of rendered and timber panels beneath a stepped flat roof that will accommodate the 5th residential unit on the second floor.
- 6.4 In terms of its footprint and overall scale and massing, the proposed development is similar in size to the existing substantial dwelling known as 43 Kings Acre Road.
- 6.5 Furthermore the stepping down from 7.8 metres to 5.5 metres of the flat roof assists with the transition from the height of No. 43, which stands 8.5 metres and the lower ridge height of 7 metres at 39 Kings Acre Road to the east. Therefore it is not considered that the proposed development will be demonstrably harmful to the character and appearance of the wider locality in terms of its siting, scale and massing.
- 6.6 Views into the site from Kings Acre Road are limited by the presence of a mature landscaping and a 2 metre high brick wall, which forms the front boundary. The result is that the ground floor of the proposed building will be largely screened from external view leaving only the upper part of the proposed building partially visible. In order to preserve this landscaping as well as properly protect a large Sycamore which is protected by a Tree Preservation Order, appropriate landscape conditions are recommended.
- 6.7 The concerns of Hereford City Council together with those of the local residents about the discordant nature of the modern design and in particular the use of a flat roof, in relation to the more traditional style properties surrounding it, are noted. However it is not considered that the design gives rise to a demonstrable loss of visual amenity within the wider locality, consequently the mere fact that the proposed building is not a pastiche of its neighbours does not alone substantiate grounds for refusal.
- 6.8 Overall it is considered that this contemporary approach is appropriate in scale and form and will integrate into this spacious and well-landscaped setting.
- 6.9 Having regard for the relatively enclosed nature of the application site, privacy of the adjoining dwellings will be largely unaffected and the design of the building omits all but obscure glazed bathroom windows on the east and west elevations. The amenity of the dwellings immediately adjoining the proposed development will therefore be satisfactorily preserved.
- 6.10 With regard to the fifth unit located on the second floor, it is considered that any external use of the flat roof as a balcony could harm the amenity of neighbouring properties as a result of overlooking and the design has omitted any form of terracing or balustrade.
- 6.11 However, to ensure the continued satisfactory relationship between the proposed building and its neighbours, it is considered expedient to prevent the external use of the flat roof and an appropriate condition has been recommended.

- 6.12 In order to protect the amenity of the area during the construction phase, standard conditions are recommended controlling hours of operation and prohibiting fires.
- 6.13 Overall the design, siting and layout of the proposed development and its relationship to the context of the wider streetscape is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

Highways

- 6.14 There are no highways objections to the development and it is not considered that the development will give rise to any unacceptable increase in traffic. However the Traffic Manager has suggested that the development should provide secure cycle storage in the interests of promoting sustainable modes of transport and for that reason an appropriate condition has been recommended.

Conclusion

- 6.15 Overall the proposal complies with the relevant policies in the Local Plan and as such approval is recommended.

RECOMMENDATION:

That subject to no objection being raised by the Conservation Manager, planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. A06 (Development in accordance with approved plans).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

- 4. No part whatsoever of the flat roof on the second floor shall be used at any time as a balcony or roof terrace.**

Reason: To protect the residential amenity of adjacent properties.

- 5. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 6. H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

7. H29 (Secure cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

8. F22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.

9. G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area.

10. G16 (Protection of trees covered by a Tree Preservation Order) (TPO 351).

Reason: To ensure the proper care and maintenance of the trees.

11. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

Informatives:

- 1. The applicant is advised that they should follow the advice given in BS5837 (2005) 'Trees in Relation to Construction – Recommendations' to ensure that all the trees on the site are appropriately and successfully protected. The Council's Arboricultural Officer can be contacted on 01432-260135 for further information
- 2. N01 - Access for all.
- 3. HN05 - Works within the highway.
- 4. HN10 - No drainage to discharge to highway.
- 5. N15 - Reason(s) for the Grant of Planning Permission.

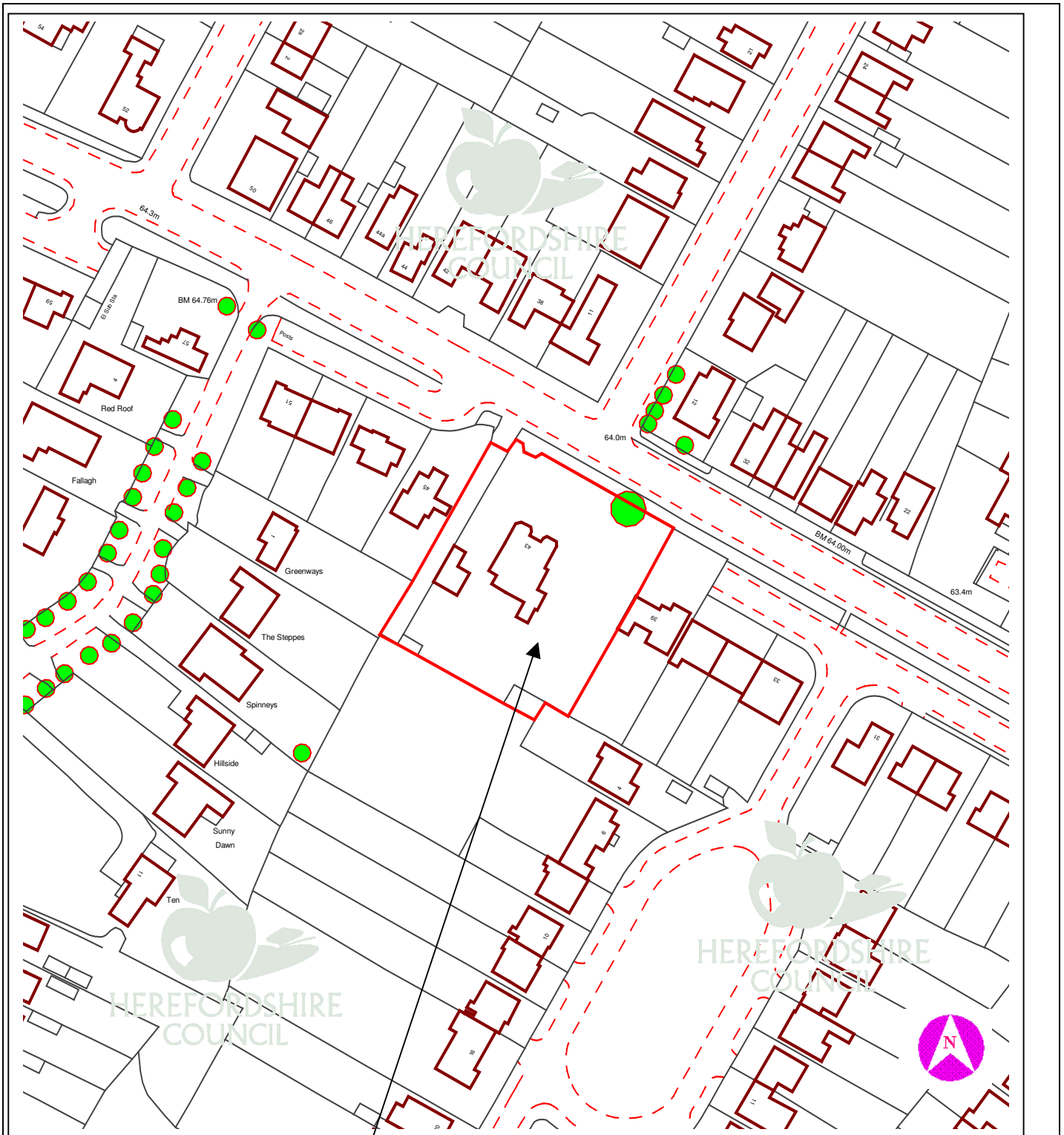
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2231/F

SCALE : 1 : 1250

SITE ADDRESS : 43 Kings Acre Road, Hereford, HR4 0QL

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13 DCCW2006/2397/T - PROPOSED REPLACEMENT FLOODLIGHT COLUMN WITH NEW FLOODLIGHT INCORPORATING AN O2 INSTALLATION ANTENNA AT LAND AT HEREFORD WHITECROSS CLUB, SOLLARS CLOSE, HEREFORD, HR4 0LX

For: O2 (UK) Ltd. per FPD Savills, Wessex House, Wimborne, BH21 1PB

Date Received: 24th July, 2006

Ward: St. Nicholas

Grid Ref: 49461, 40476

Expiry Date: 17th September, 2006

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

1. Site Description and Proposal

- 1.1 The application site forms part of the grounds of Hereford Whitecross Club, which is located at the end of a cul-de-sac on the southern side of Whitecross Road within an Established Residential Area on the western side of the City of Hereford.
- 1.2 The application for Prior Approval seeks approval for the erection of a 15 metre monopole mast which will replace one of the club's existing lighting columns and will carry both the O2 UK Ltd. equipment and replacement floodlights. Two ground based cabinets are proposed which will be sited at the base of the mast adjacent to the existing fence enclosing the tennis courts to the west.
- 1.3 The application is submitted on behalf of O2 UK Ltd. and is supported by a technical justification in the form of network coverage plots indicating a gap in coverage in respect of their 2 and 3G network.
- 1.4 The supporting information includes the standard ICNIRP compliance statement and an appraisal of why the application site has been selected and the operational need demonstrated in the supporting information is accepted.
- 1.5 Prior to submission the applicant considered 15 other potential sites in the wider locality, but on further investigation these proved to be unsuitable for a variety of technical or environmental reasons and were not pursued.

2. Policies

2.1 National:

PPG8 - Telecommunications

2.2 Hereford Local Plan:

Policy ENV13 - Telecommunications

Policy ENV14 - Design

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy CF3	-	Telecommunications

3. Planning History

3.1 None of relevance to this application.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Head of Environmental Health & Trading Standards: Comments awaited.

5. Representations

5.1 Hereford City Council: Request that this application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council has no objection to this application for planning permission.

5.2 Six letters of objection have been received which are summarised as follows:

- Possible health hazard.
- Too close to neighbouring dwellings.
- Property values will fall.
- No one from the Club's Management Committee lives in the local area.
- Mast is visually intrusive from neighbouring dwellings and private gardens.
- Design is unsightly.
- Should be sited elsewhere.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 This application for Prior Notification seeks approval for the erection by a telecommunications code operator of operational equipment not exceeding 15 metres in height, and it is considered that the proposal is capable of falling within Class A, Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

6.2 Having regard to the relevant policies, the primary issues in determining this application for Prior Approval are considered to be the visual impact on the character and appearance of the locality and the concerns relating to public health issues which will also be addressed in view of the nature of the objections received.

Siting and Design

- 6.3 It is considered that the selected location is well screened from wider public views being located at the end of a cul-de-sac, in close proximity to the club buildings. The mast itself will be read in the context of the remaining floodlights sited around the Tennis Club’s grounds.
- 6.4 Furthermore, the siting would not overshadow or dominate any private residential property, the closest of which lies approximately 30 metres to the east. The approximate distance to the remaining nearest dwellings being 50 metres. It is not considered that the proposed mast will cause demonstrable harm to the visual amenity of the wider locality, in terms of its siting and appearance.

Health and Safety

- 6.5 Although concern about the perceived risks to health arising from the operation of the equipment in relatively close proximity to the neighbouring dwellings has been raised in the representations received, a statement of ICNIRP compliance supports the application, and Members are advised that the guidance given in PPG8 (Telecommunications) states that:-

“97. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains Central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health and safety concerns about them.”

- 6.6 For the reasons set out above, it is considered that the issue of public safety has been properly addressed in selecting the proposed site.
- 6.7 Overall it is considered that the proposal constitutes permitted development that can be determined under the Prior Notification procedure and approval of the siting and appearance is recommended.

RECOMMENDATION:

That Prior Approval is Not Required.

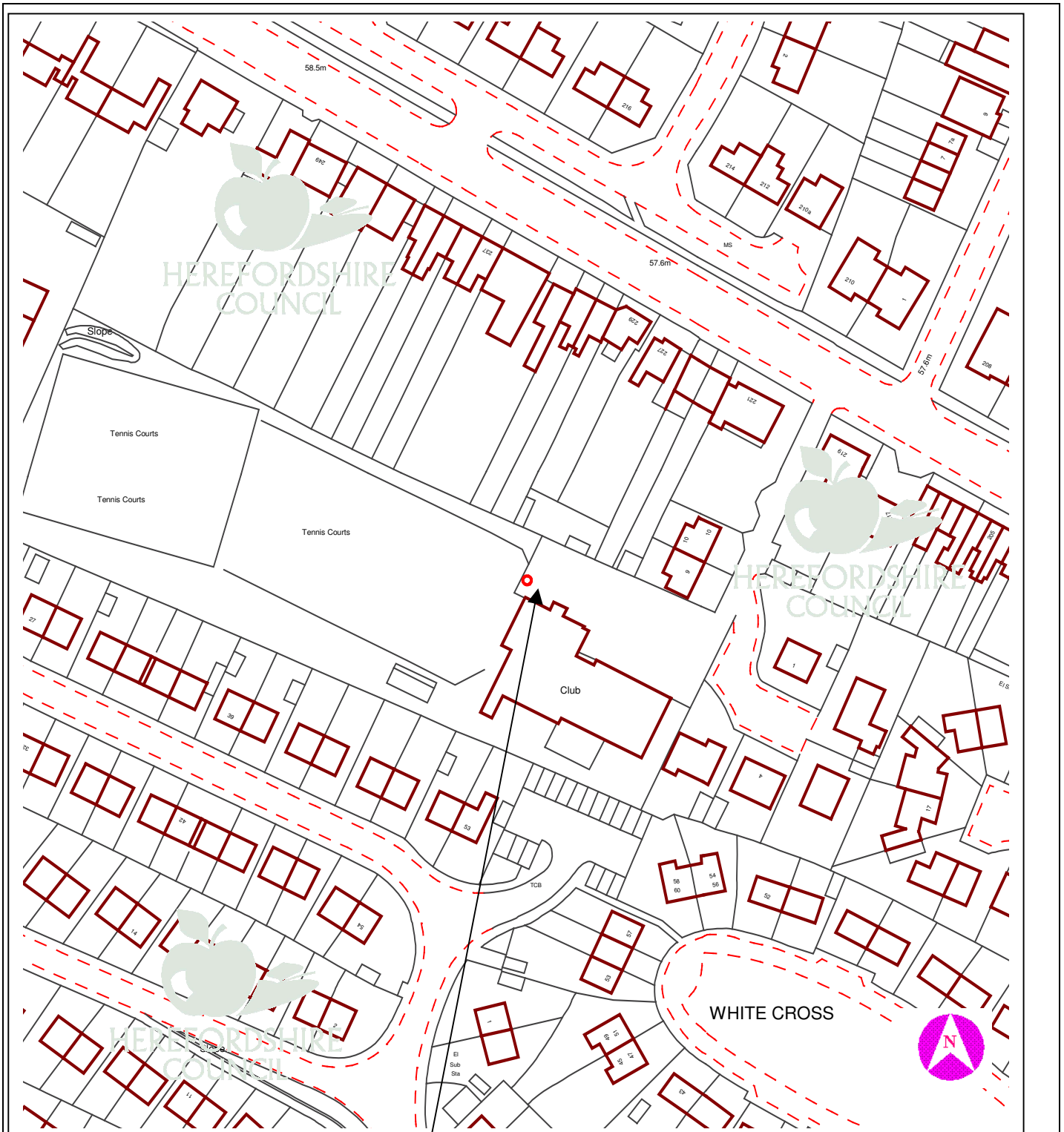
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/2397/T

SCALE : 1 : 1250

SITE ADDRESS : Land at Hereford Whitecross Club, Sollars Close, Hereford, HR4 0LX

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